

SENATE.

MONDAY, December 8, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, let Thy gracious favor rest on these Thy servants this day. In the discharge of their duties may they feel that they have the leadership of God. May they have the satisfaction of working together with God, ever keeping in mind the great principles of Thy Word, the assurance written in promises large, promises that have ever been kept, that if we are faithful to Thee we will work out a destiny fit for those who are made in Thine own image. Grant us Thy grace to-day. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

BERT M. FERNALD, a Senator from the State of Maine; WARREN G. HARDING, a Senator from the State of Ohio; PAT HARRISON, a Senator from the State of Mississippi; PHILANDER C. KNOX, a Senator from the State of Pennsylvania; IRVING L. LENROOT, a Senator from the State of Wisconsin; CHARLES L. McNARY, a Senator from the State of Oregon; MILES POINDEXTER, a Senator from the State of Washington; PARK TRAMMELL, a Senator from the State of Florida; MEDILL MCCORMICK, a Senator from the State of Illinois; and ELLISON D. SMITH, a Senator from the State of South Carolina, appeared in their seats to-day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, December 4, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hale	McLean	Smith, Md.
Beckham	Harding	McNary	Smith, S. C.
Borah	Harrison	Moses	Smoot
Brandegge	Johnson, S. Dak.	Myers	Spencer
Capper	Jones, Wash.	Nelson	Sterling
Chamberlain	Kellogg	New	Sutherland
Colt	Kenyon	Norris	Swanson
Culberson	Keyes	Nugent	Thomas
Cummins	King	Overman	Townsend
Curtis	Kirby	Page	Trammell
Dial	Knox	Phipps	Underwood
Edge	La Follette	Poindexter	Wadsworth
Elkins	Lenroot	Pomerene	Walsh, Mont.
Fernald	Lodge	Ransdell	Warren
Frelinghuysen	McCormick	Sheppard	Watson
Gay	McKellar	Sherman	Williams

Mr. CURTIS. I was requested to announce the absence of the Senator from Maryland [Mr. FRANCE] on account of illness in his family. I will let this announcement stand for the day.

Mr. McKELLAR. The Senator from Arizona [Mr. ASHBURST], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Oklahoma [Mr. OWEN], the Senator from Missouri [Mr. REED], the Senator from Tennessee [Mr. SHIELDS], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Kentucky [Mr. STANLEY] are detained from the Senate on official business.

Mr. SHEPPARD. The Senator from Georgia [Mr. HARRIS], the Senator from Florida [Mr. FLETCHER], the Senator from Nevada [Mr. PITTMAN], the Senator from Georgia [Mr. SMITH], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Massachusetts [Mr. WALSH] are absent on public business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

DEPENDENTS OF DECEASED SOLDIERS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2497) entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," which were, on page 1, line 7, to strike out "from and after October 6, 1917"; on page 2, lines 5 and 6, to strike out "or in other existing legislation"; and on page 2, to strike out lines 13 to 21, inclusive.

Mr. WADSWORTH. I move that the Senate concur in the motion of the House.

The motion was agreed to.

PAYMENT FOR COAL DIVERTED IN TRANSIT.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Director General of Railroads, transmitting, pursuant to a resolution of 3d instant, a report of the arrangements that have been made or will be made for the prompt payment for coal diverted in transit from the original

consignee. The communication will be printed in the RECORD and referred to the Committee on Interstate Commerce.

The communication is as follows:

UNITED STATES RAILROAD ADMINISTRATION,

Washington, December 8, 1919.

The honorable the PRESIDENT OF THE SENATE,

Washington, D. C.

SIR: In response to Senate resolution 243, directing report to the Senate at the earliest practicable moment of the arrangements that have been made or will be made for the prompt payment of coal diverted in transit from the original consignee, I beg to state as follows:

The Railroad Administration has been acting as the agency of the Fuel Administration in distributing coal to those users entitled thereto under the priorities prescribed by the Fuel Administration, and in performing this difficult work has been particularly solicitous to facilitate the promptest payment for coal by the users thereof to which the same might be diverted. Arrangements have been made to make sure that such users pay for the coal and pay for it promptly, and imperative instructions have been issued and reiterated that coal taken for railroad use should be promptly paid for. In addition, the Railroad Administration has cooperated with the Federal Reserve Board in adopting methods to facilitate the borrowing of money by the operators upon coal in transit. Further than this, the Railroad Administration has requested the coal operators to give specific information as to any mines actually in difficulty on account of inability to collect their coal bills with sufficient promptness, and in the only instances which have accordingly been reported to the Railroad Administration it has made arrangements to purchase for railroad use enough coal and make immediate payment therefor to furnish the operators affected sufficient funds to meet their immediate needs. The details of these various instructions and steps are as follows:

On October 31, 1919, Dr. H. A. Garfield, United States Fuel Administrator, issued an order reinstating his order of January 14, 1918, which read in part as follows:

"All shipments of coal, whether f. o. b. mines or otherwise, and all shipments of coke f. o. b. ovens or at place of storage or otherwise, shall be made subject to the diversion of such coal or coke by the United States Fuel Administrator or any persons acting under his authority to any persons or consumers and for any of the purposes heretofore or hereafter authorized by him. The title of the purchaser, consignee, or consumer, in the case of any such shipments of coal or coke, which by custom or law might become vested at the time and place of such shipment, shall from and after the effective date hereof be subject to the condition that the coal or coke so shipped may be diverted as aforesaid, and that in case of any such diversion the title and interest of such purchaser, consignee, or consumer with respect to any coal or coke so diverted shall be completely divested and terminated and his liability to pay therefor shall cease."

The Fuel Administrator by the said order of October 31, 1919, also designated the Director General of Railroads and his representatives "to carry into effect said order of January 14, 1918, and to make such diversions of coal as the railroads under his direction may, as common carriers, have in their possession, as may be necessary in the present emergency to provide for the requirements of the country in order of priority set out in the preference list included in the order of the United States Fuel Administrator May 25, 1918."

On October 31, 1919, the Director General of Railroads telegraphed all regional directors of the United States Railroad Administration, in part, as follows:

"When commercial coal is diverted to other than original consignee, promptly notify shipper and original consignee of each car and keep adequate record for later settlement. Coal diverted for commercial uses shall be paid for in accordance with the Fuel Administrator's order dated January 14, 1918. In order to insure payments, coal shall be diverted for commercial use to such applicants only who shall satisfy the Federal or general manager of their financial responsibility, or who shall deposit a certified check or other satisfactory security in such sum that will insure full payment for any coal furnished. The applicant shall make definite written obligation to pay the shipper for the coal promptly upon presentation of bill."

On November 3, 1919, the central coal committee which the Director General of Railroads appointed at Washington to supervise the distribution of coal telegraphed all regional directors as follows:

"The question which is being raised and which is deserving of immediate consideration is the prompt payment for coal confiscated by the railroads for fuel purposes. The point is made that

mines which continue to operate will have difficulty in meeting their pay roll if payment for such coal is withheld for any considerable length of time.

"The matter is, therefore, brought to your attention, with suggestion that arrangements be made with all your roads for the promptest possible payment for coal that is confiscated for railroad use."

On November 3 and 4, after representation by the National Coal Association and the Pocahontas Coal Operators' Association that coal operators were apprehensive about securing payment promptly for diverted coal, and in some instances that the operators might not receive such payment with sufficient promptness to enable them to meet their pay rolls and other production expenses, the central coal committee suggested that the operators in each district should interest themselves in this matter in their district, and arrange so that operators whose mines were working should be able to secure the needed financial assistance by borrowing money from banks against outstanding coal. It was suggested by the National Coal Association that payment for diverted coal would be facilitated if the railroads showed on the coal waybills the selling price of the coal when advised of this by the shippers, and on November 6 instructions were given all regional directors to see that this was done.

In order to protect consumers who might receive diverted coal from undue cost due to out-of-route movement which might occur on account of the exigencies of the situation Director Chambers, of the Division of Traffic, United States Railroad Administration, on November 12 notified all regional directors as follows:

"It has been decided that where coal is taken by the Railroad Administration and subsequently assigned to a consignee that the rate of freight to be charged such consignee should be the published freight rate from the mine at which the coal originated to the destination of such consignee regardless of any out-of-route or back haul which may have been involved in the movement while under charge of the Railroad Administration.

"I am sending you this information so that in case inquiry should be made you would be advised of this policy."

On November 20, after being advised by the representative of the National Coal Association that apparently some operators did not know of the arrangement permitting the price of coal to be shown on coal waybills, instructions were therefore sent to regional directors by the central coal committee to have agents advise shippers in writing of this arrangement.

On November 26 instructions were sent to the regional directors that as far as practicable they should dispose of the oldest coal on hand first when making diversions or deliveries.

On November 28 the central coal committee, on being advised that some operators were claiming to be financially embarrassed and this arrangement was desirable to assist them in securing their money, telegraphed the regional directors as follows:

"To avoid financial embarrassment to shippers of diverted coal and consequent restriction of production regional coal committees and Federal managers should be instructed to insure prompt payment of bills by final consignees by making delivery of coal conditional on such payment if necessary. Arrangement should also be made that shippers are immediately advised of consignees to whom their coal is diverted. Every effort should also be made to pay for railway fuel with utmost promptness. This repeats previous instruction and is sent to you to emphasize the importance of giving the subject special consideration."

On being informed that banks in coal-field districts were being drained of funds through loans to coal operators conferences were held with representatives of the coal operators and later with the Federal Reserve Board to see what arrangements could be made to relieve the situation. As a result of this the arrangements covered by the inclosed press notice of December 3 were made, and representatives of banks and operators agreed that this would be of material assistance.

Again, on December 3 telegraphic instructions were sent to all regional directors to put into effect at once the arrangements for issuing such form of receipt for coal shipments.

Further, on the same day the following telegraphic instructions were sent all regional directors:

"See my telegram, November 28, advising that prompt payment for diverted as well as contract coal was necessary to avoid financial embarrassment of shippers and consequent restriction of production. Also that every effort should be made to pay for railway fuel with utmost promptness. Our information is that operators are not receiving remittances promptly, and instructions should be given by you to have all bills prepared, vouchered, and paid immediately on receipt. That is of utmost importance."

At various times since this matter was brought up representatives of the coal operators have been requested to furnish information as to specific instances where there was a possibility the mines would be unable to obtain funds to meet pay roll and other operating expenses, and no such specific instances were reported to the central coal committee prior to December 4, when they were advised that two operators located on the line of the Chesapeake & Ohio Railroad were in such straitened circumstances that a shutdown might possibly occur. Arrangements were made with the Chesapeake & Ohio Railroad to purchase for railroad use and pay for immediately sufficient coal now being produced by these operators to furnish them sufficient funds to meet their immediate needs. In addition to written and telegraphic instructions sent to regional directors, the question of prompt payment for railroad coal and prompt notice to shippers of diverting of commercial coal has been made the subject of frequent telephone conversations with interested railroad officers.

The central coal committee has arranged to secure daily reports of the number of cars of diverted coal and information as to whether or not shippers have been notified so that delinquencies can be corrected.

As may be seen from the foregoing, the central coal committee and all representatives of the Director General of Railroads have appreciated the necessity and desirability of prompt payment for coal diverted, and every effort has been made and will be made to secure such prompt payment.

Truly, yours,

WALKER D. HINES,
Director General of Railroads.

PRESS STATEMENT.

WASHINGTON, December 3, 1919.

Walker D. Hines, Director General of Railroads, to-day authorized the following statement:

"The United States Railroad Administration is paying promptly and even on shorter time than under normal conditions for coal consigned to or diverted to railroads under Federal control for their own use. But because of some unusually long hauls to supply coal in portions of the country where production of coal has ceased, and because of other diversions, there are some inevitable delays in delivery to other consignees or diverttees, and consequently there are some delays in payment for coal by the consignees receiving this coal so diverted. In order to remedy this situation and appreciating the necessity of coal operators who are now producing coal getting their money promptly in order to meet pay rolls and other production expenses, the Railroad Administration has arranged to give such coal operators a certificate evidencing the fact of the loading of cars and delivery to the railroads for transportation of such coal as they are producing and loading, so that such coal operators can secure such necessary money from banks on the basis of their notes supported by such certificates.

"This matter having been taken up with the Federal Reserve Board on the question of whether such notes are eligible for rediscount, the Federal Reserve Board has sent the following formal communication to the Railroad Administration:

"The Federal Reserve Board has received and considered your letter of December 2, asking to be advised whether or not a Federal reserve bank may properly rediscount a note drawn by a shipper of coal under the following circumstances:

"Because of the diversions of coal pursuant to the authority and order of the United States Fuel Administrator issued in consequence of the strike of the bituminous coal miners, it appears that shippers of coal are not receiving payment for the coal shipped as promptly as is customary when coal moves in its normal channels. In order to provide funds to cover the current cost of production it is contemplated that a shipper of coal issue his note accompanied by a certificate of the Director General of Railroads who is distributing coal for and on behalf of the United States Fuel Administrator, substantially to the effect that the shipper has loaded coal on cars of a specified railroad; that the coal is in the possession of that railroad to be transported, delivered, or diverted by the Director General of Railroads or his representatives subject to the order of the United States Fuel Administrator and that the shipper is to be paid for the coal by the consignee or diverttee as provided in the orders of the United States Fuel Administrator. The proceeds of the note of the shipper are to be used by him for the payment of the current costs of production.

"In the opinion of the Federal Reserve Board such a note, the proceeds of which are to be used by the drawer for the payment of the current costs of production, is a note issued or drawn for a commercial or industrial purpose within the meaning of section 13 of the Federal reserve act and is eligi-

ble for rediscount by a Federal reserve bank, provided that it otherwise conforms to the provisions of law and the regulations of the Federal Reserve Board issued in pursuance thereof. The Federal Reserve Board believes that in determining the eligibility of such a note it is immaterial whether or not it is accompanied by a certificate of the Director General of Railroads of the kind heretofore described.

"In this connection, however, the board desires to point out the fact that under the terms of section 13 of the Federal reserve act a member bank is authorized to accept a draft or bill of exchange which grows out of a transaction involving the domestic shipment of goods, provided that shipping documents conveying or securing title are attached at the time of acceptance. Such a draft when accepted is eligible for rediscount by a Federal reserve bank at the established rate accorded to bankers' acceptances. In view of the fact, however, that the certificate which your letter states that the Director General of Railroads purposes to issue does not purport to be and is not a bill of lading conveying title to coal shipped, it can not be made the basis of a bankers' acceptance, but, as previously stated, a note drawn under the circumstances described, whether or not accompanied by a certificate of the Director General of Railroads, is technically eligible for rediscount if its proceeds have been or are to be used for the payment of the current costs of production of coal and if it otherwise conforms to the provisions of law and the regulations of the Federal Reserve Board.

"Very truly, yours,

"(Signed) W. P. G. HARDING,
"Governor."

"The certificate which under the foregoing arrangement will be delivered by the local railroad agent to the shipper delivering the coal to the railroad will be in the following form:

"This is to certify that _____ has loaded into cars No. _____ on _____ Railroad, United States Railroad Administration, _____ tons of coal, and said coal is in possession of said railroad as a carrier to be transported and/or delivered and/or diverted by the Director General of Railroads or his representatives, subject to and in accordance with the order of the United States Fuel Administrator, dated October 31, 1919, and to be paid for by the consignee or diverttee to the above-named shipper, as provided for in the said order of the United States Fuel Administrator and in his order of November 12, 1919.

"_____, Agent.

"_____,

"Railroad, United States Railroad Administration.

"I hereby certify that no railroad bill of lading or other negotiable receipt has been issued to me by the railroad in respect of the above-described coal.

"_____, (Shipper)."

CIVILIAN EMPLOYMENT OF COMMISSIONED OFFICERS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, pursuant to resolution of August 23, 1919, further information relative to the cost of maintenance and operation of the official establishment of the Chief of Staff of the Army, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 9755) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, in which it requested the concurrence of the Senate.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the secretary of state of the State of South Dakota, transmitting a joint resolution of the Legislature of the State of South Dakota ratifying the proposed amendment to the Constitution of the United States extending the right of suffrage to women, which will be printed in the RECORD and placed on file.

The joint resolution is as follows:

[Certificate.]

UNITED STATES OF AMERICA,
State of South Dakota.

SECRETARY'S OFFICE.

I, C. A. Burkhardt, secretary of state, do hereby certify that the annexed bill, to wit, house joint resolution No. 1, was duly passed by the 1919 special session of the Legislature of the State of South Dakota and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre this 4th day of December, 1919.

[SEAL.]

C. A. BURKHART,
Secretary of State.

House joint resolution 1.

A joint resolution ratifying a proposed amendment to the Constitution of the United States of America relating to the right of suffrage regardless of sex.

Whereas both Houses of the Sixty-sixth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution extending the right of suffrage to women.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

"Congress shall have power to enforce this article by appropriate legislation":
Therefore be it

Resolved by the House of Representatives of the State of South Dakota (the Senate concurring):

SECTION 1. That said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of South Dakota.

SEC. 2. That certified copy of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

(Signed)

LEWIS BENSON,
Speaker of the House of Representatives.

RAYMOND J. VAN ABEL,
Chief Clerk.

W. H. McMASTER,
President of the Senate.

A. B. ELAKE,
Secretary.

Filed in the office of secretary of state on the 4th day of December, 1919, at 1.15 o'clock a. m.

C. A. BURKHART,

Secretary of State.

By GEO. F. SAYERS,
Assistant Secretary of State.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the American Mining Congress urging that the Government of the United States protect the constitutional rights of its citizens in foreign countries, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD. I present two telegrams relating to the coal strike, which I ask to have inserted in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MCALLEN, TEX., December 4.

Senators SHEPPARD and CULBERSON,
Washington, D. C.:

We urge the Senate to take action in bringing about an immediate settlement of the coal strike.

MCALLEN AUTO DEALERS' ASSOCIATION.

MCALLEN, TEX., December 4.

Senators SHEPPARD and CULBERSON,
Washington, D. C.:

We urge the Senate to take action in bringing about an immediate settlement of the coal strike.

HIDALGO COUNTY AUTO DEALERS' ASSOCIATION.

Mr. DIAL. I present a resolution of the Chamber of Commerce of Chester, S. C., in reference to shipping. I ask that it may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution.

Whereas the Chester Chamber of Commerce has been advised that there is a movement on foot having for its object the disposition and sale of ships owned by the Government of the United States through the United States Shipping Board, and that a bill has been introduced into Congress to that end; and Whereas this would seriously interfere with the trade routes recently established from South Atlantic and Gulf ports, with the aid of United States Shipping Board, to the West Indies, Central and South America, and to European and other foreign ports; and

Whereas it is essential to the merchants, manufacturers, and farmers of the Middle West to have free access to foreign markets through the ports of the Gulf and South Atlantic States on the same terms as through North Atlantic ports, and export rates have been put into effect by the United States Railroad Administration, effective December 1, 1919, in the establishment of the new trade routes: Therefore be it

Resolved, That it is the sense of the board of directors of the Chester Chamber of Commerce that the United States Govern-

ment, for the present, make no disposition of the ships owned by it or operated by Shipping Board that would in any way militate against these trade routes or prevent their further development and maintenance, and we call upon our Senators and Congressmen to oppose any legislation to look into the sale of any of these ships operated on these trade routes until same has been fully established and developed.

J. M. LATHAM,

President Chester Chamber of Commerce.

Correct attest:

H. B. BRANCH, *Secretary.*

Mr. CAPPER. I present resolutions adopted by the National Farmers' Union in annual convention assembled in Memphis, Tenn., November 20, 1919, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The National Farmers' Union in annual convention assembled in Memphis, Tenn., on November 20, 1919, hereby adopts these resolutions and recommendations:

First. We endorse the Kenyon-Anderson bill, which embodies important recommendations of the Federal Trade Commission designed to correct the abuses and extortions that exist in the meat-packing industry and urge its immediate enactment by Congress.

Second. We endorse the Capper-Hersman bill to give the farmers of the Republic the privilege of organizing and conducting collective bargaining associations, based on cooperative principles, but we ask that proper safeguards be included in such legislation to prevent corporations from taking advantage of its provisions.

Third. We favor an amendment to the Federal loan act that will enable a man without a farm but possessing an established reputation for honesty, frugality, and industry to secure loans from the Federal land bank up to 75 per cent of the appraised value of the land. We also ask that the maximum rate of annual payment, including amortization, shall not exceed 5 per cent.

Fourth. We insist that the Secretary of Agriculture should be a practical working farmer, and that the endorsement of farm organizations should receive due consideration in the selection of men for that office.

Fifth. That the highest rates of taxes levied during the war on incomes, corporations, and excess profits be continued until the full cost of the war has been paid, and that the Government also levy a tax on the value of land and other natural resources held for speculative purposes.

Sixth. We urge the adoption of a farseeing, patriotic policy for the reclamation of the waste lands of all sections of the country for the purpose of enlarging the area of agricultural productions.

Seventh. We demand the most vigorous enforcement of all Federal laws to prevent the immigration of undesirable aliens, and we also urge the prompt deportation of all aliens seeking to overthrow our Government and destroy our free institutions.

Eighth. We believe that the principle of cooperation should be applied to the solution of our marketing and industrial problems, to the advantage of the producing, consuming, and laboring classes.

Ninth. We are opposed to the maintenance of war-time armaments in time of peace and to any system of military organization that includes universal military training.

Mr. CAPPER presented a memorial of the Business Men's Club of Chanute, Kans., remonstrating against the enactment of legislation providing for the marking of cost prices on articles of merchandise offered for sale, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Melvern, Kans., and of Hawkeye Grange, No. 1050, Patrons of Husbandry, of Canton, Kans., remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

Mr. KNOX presented a memorial of Local Lodge No. 52, International Association of Machinists, of Pittsburgh, Pa., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Rotary Club, of York, Pa., and of Local Lodge No. 814, Benevolent and Protective Order of Elks, of Pottstown, Pa., favoring the deportation of certain aliens, which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Pottstown, Pa., praying for the enactment of legislation providing for the construction and improvement of harbors and inland waterways, which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying that Congress formulate legislation defining "sedition," which was referred to the Committee on the Judiciary.

Mr. KNOX (for Mr. PENROSE) presented a petition of the Philadelphia Board of Trade, of Pennsylvania, praying for the enactment of legislation to increase the pay of the commissioned and enlisted personnel of the Army, Navy, etc., which was referred to the Committee on Military Affairs.

He also (for Mr. PENROSE) presented a petition of the Philadelphia Board of Trade, of Pennsylvania, praying for the enactment of legislation providing for the repeal of all emergency legislation, to enable the Shipping Board to carry out existing contracts, to permit the sale of all property, including ships,

acquired by the Shipping Board, to confer the power to create an insurance fund, and to suspend all housing construction of the Shipping Board and to authorize the sale of all houses built, etc., which was referred to the Committee on Commerce.

Mr. WARREN presented a resolution adopted by Donald Garbutt Post, No. 7, American Legion, of Sheridan, Wyo., favoring the arrest and deportation of undesirable aliens, which was referred to the Committee on Immigration.

Mr. ELKINS presented a petition of Elkins Lodge 1135, Benevolent and Protective Order of Elks, of Elkins, W. Va., praying for the enactment of legislation to abolish Bolshevism, which was referred to the Committee on Immigration.

He also presented a petition of the Huntington Association of Credit Men, of Huntington, W. Va., praying for the enforcement of law and order by firm action, which was referred to the Committee on Immigration.

TREATY OF PEACE WITH GERMANY.

Mr. MCLEAN. I present a petition from the officers of Yale University in favor of the ratification of the treaty of peace with interpretative reservations. The petition is very short, only nine lines, and I ask to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HITCHCOCK. Mr. President, does the Senator ask to have the petition read?

Mr. MCLEAN. No; I ask to have it printed in the RECORD.

Mr. HITCHCOCK. It is a petition from Yale University?

Mr. MCLEAN. From the officers of Yale University, in favor of the ratification of the treaty of peace with reservations.

Mr. HITCHCOCK. Will the Senator permit it to be read at this time? It is very brief, is it not?

Mr. MCLEAN. I have no objection. It is only nine lines.

The VICE PRESIDENT. In the absence of objection, the Secretary will read.

The Secretary read as follows:

We, the undersigned, officers of Yale University, are convinced of the supreme importance of the ratification by the Senate as soon as possible after the beginning of the next session of the treaty of peace with such interpretative reservations as may be proper and necessary, and we urge the Senators from Connecticut to promote such action. We believe that a majority of the most intelligent and public-spirited citizens of all parties in the State will support them in favoring a resolution ratifying the treaty of peace with the league of nations covenant in terms that will readily permit the other signatories to acquiesce in the conditions stated by the United States.

Mr. HITCHCOCK. Right in connection with that I should like to present and have read a resolution, of which a copy has been sent to me, which has been signed by 1,757 members of Harvard University, copies of whose names are on my desk. I ask to have it read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read.

The Secretary read as follows:

Resolved, That the peace treaty, including the covenant for a league of nations, should be resubmitted to the Senate, and that the administration and the United States Senators should promptly agree to its ratification with reservations in such form as will enable the other signatories to acquiesce.

Mr. HITCHCOCK. I present that so that the expressions from these two universities may appear together.

The VICE PRESIDENT. The petitions will be referred to the Committee on Foreign Relations.

COST OF STRIKES.

Mr. THOMAS. Mr. President, I have received from the Shipping Board a statement, dated the 6th day of December, entitled "Statement on the cost of strikes." I ask unanimous consent for permission to have it inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

"STATEMENT ON THE COST OF STRIKES.

"UNITED STATES SHIPPING BOARD,
Washington, December 6.

"The serious economic waste involved in marine and shipyard strikes during the period of reconstruction has recently been investigated by the United States Shipping Board.

"Since the 1st of January it is estimated that strikes have cost the Shipping Board a total of \$37,000,000. There are included marine and harbor strikes, longshore strikes, and shipyard strikes. These have occurred on the Atlantic, Pacific, and Gulf coasts, but the results of the coal strike are not included.

"There are not included losses by foreign or privately operated American vessels, nor indirect losses to the public due to interruption of regular movement of shipping. Among such indirect losses are those due to congestion in port, and on inland transportation systems, spoilage of perishable cargo, and delays of food supplies needed in this country and abroad.

"The marine strikes include that on New York Harbor craft, tying up some 600 boats with approximately 16,000 men out for 13 days. A further marine strike occurred in July with a general tie-up of shipping on the Atlantic and Gulf coasts. Some 25,000 men were out for about three weeks.

"A longshore strike in New York during October involved 40,000 to 50,000 men for about 30 days. A further longshore strike occurred at New Orleans in the same month, lasting 31 days.

"Among the 200 strikes in the shipyards one of the largest was that in the Northern Pacific district beginning in January, lasting for 50 days and involving some 40,000 men. A further strike occurred in the San Francisco Bay and southern district in October, lasted 30 days, and involved 35,000 men. A strike in the shipyards in the New York district began in October, lasted about 30 days, and involved some 20,000 men."

HIGH COST OF LIVING.

Mr. THOMAS. I am in receipt of an article from the pen of former Senator Shafroth of my State on the high cost of living. I ask unanimous consent for permission to have it inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HIGH COST OF LIVING, ITS CAUSE AND REMEDY.

"The principal cause of the high cost of living is the fact that nearly all the European nations have been compelled to abandon redemption of their credit money in gold, and to issue in lieu thereof irredeemable paper currencies, thereby decreasing the demand for and the purchasing power of gold, and hence increasing the price of everything that gold will buy.

"It is a fundamental principle of political economy that the price of commodities—the demand remaining the same—varies in the inverse ratio of their production—that is, if the production is great the price is proportionately low, and if the production is small the price is correspondingly high.

The price of commodities also varies with the demand therefor, other things remaining the same; the price increasing if the demand is great and decreasing if the demand is small. All recognize these principles when applied to a single commodity. They are also applicable to gold, but as gold is the standard by which all commodities are measured, its increase or decrease in value can not be expressed in its own units, but only in the increased or decreased quantity of things the units will buy, which is manifested in a fall or rise in prices. Therefore, when all prices rise it means that there is an increase in the supply of, or decrease in the demand for, that which measures the price of all things, namely, money.

"Nearly all the European countries before the war were upon the gold standard, making demands upon gold as redemption money. During the war they each issued large quantities of irredeemable paper currency.

"According to the Gresham law, two legal-tender moneys of different value can not circulate in the same country. The cheaper will always drive out the dearer money. If a man has the option of paying his debts in legal-tender money of less value, he will always avail himself of that privilege, and hence the cheaper money becomes the sole circulating medium of that country. In accordance with that principle, gold, either in the form of coins or of paper money redeemable in gold, has gone out of circulation in nearly all the nations of Europe. This has decreased the demand for gold, decreased its purchasing power, and consequently increased the price of everything that gold buys.

"Before the war the commercial transactions of the European nations that were upon a currency redeemable in gold amounted to fully one-half of those of the world. The use of gold in monetary systems has been far greater than for all other purposes. These nations now make demand for gold only for the arts and to settle international trade balances. This change in demand has made gold cheap. The production of gold is so small, compared to the world's stock of that metal, as to be inconsiderable in its effect. It is stated that gold is worth \$20.67 per ounce the world around, but that is only when measured in a currency redeemable in gold. As the value of all staple commodities is determined by world markets, the high cost of living becomes a world problem to be determined not only by the world's supply and demand of each commodity, but also by the world's demand for the one thing which measures all commodities.

"While profiteering affects, to some extent, the price of some commodities, and prosecutions may curtail the practice, and such prosecutions should be pursued with vigor, yet the result will be small compared to the remedy of increasing the demand for gold.

"Nine-tenths of the nations of the world, when the war began, were upon the gold standard, and hence silver was practically a commodity. The increase in the price of silver was due largely to the fact that the allied nations during the war purchased enormous supplies in China, Japan, and India, which had to be paid for in silver. This created a great demand for that metal, which was further increased by the decrease in the demand for that thing which measures silver as well as all other commodities, namely, gold. It is a mistake to assume that world prices of staple commodities can be materially reduced by legislation of one nation alone.

"In my judgment, there should be an earnest effort made to obtain an international agreement to retire all irredeemable paper currencies and to establish throughout the world circulating mediums based upon gold and silver, and, if possible, provide for coins of the same weight and fineness. The retirement could be made by each nation permitting the payment of taxes, partly in its irredeemable currency, which could then be canceled, and partly in gold, which would increase the demand for that metal. Let the financial strength or weakness of a nation be reflected in its bonds but never in its currency. Then will there be freedom from violent fluctuations in world prices.

"JOHN F. SHAFROTH."

STRIKE OF COAL MINERS.

Mr. McKELLAR. Mr. President, I present a letter—a most thoughtful letter—from Mr. Pitt Henslee, a very successful banker of Dickson, Tenn., in reference to the coal strike and profiteering generally. The suggestions of Mr. Henslee I deem of great importance, and I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE FIRST NATIONAL BANK,
Dickson, Tenn., December 5, 1919.

Senator K. McKELLAR,

Washington, D. C.

DEAR MR. McKELLAR: As you doubtless remember, I was your supporter and political friend, and being this I trust you will pardon me for writing you a few lines as to my judgment of conditions in this section of Tennessee.

There is more dissatisfaction and complaint than I ever knew before, and it appears to me that these conditions are brought about more on account of the greed and selfishness of the profiteers than anything else. I have been in the banking business for nearly 20 years. I am not a member of any labor organization and my health does not permit me to be a laborer in any line, but it appears to me, and it seems to be the unanimous opinion in this section, that the owners of coal mines are to blame for the present condition of scarcity of fuel. As I am informed, coal miners receive from 80 cents to 85 cents per ton for mining coal, and the mine owners sell this coal now at the mines, and have been for the last year or two, at from \$2.75 to \$3.50 per ton. This undoubtedly is too much profit and the public is suffering. A banker friend of mine, who lives in east Tennessee, writes me that a few years ago coal operators were satisfied to get from 25 cents to 50 cents per ton at the mines for their coal above the price paid miners.

Last summer hogs declined from 23 cents to 12½ cents, and yet the consumers of meat and lard did not buy this necessity any cheaper. Farmers in Dickson County this week sold beef cattle at 6 cents per pound, which they had raised and cared for two or three years, and yet butchers are selling this meat at a profit greater than the price received by the farmer for his cattle.

I have heard in the last few months more farmers say that they were going to vote the Republican ticket next time than I ever heard talk this before. They do not know that Congress is to blame for conditions, but think a Republican could not make it any worse. I have always been a Democrat and voted the Democratic ticket, and while I am interested in the success of the Democratic Party, yet I do not fear so much the defeat of the party as I do the spirit of socialism and Bolshevism that is growing with the people. We may not have a bloody revolution, but it seems to me that we are sure to have a political revolution unless conditions are relieved.

As your political friend, as a Democrat, and as a loyal American citizen, can not Congress do something to regulate and control the profiteers—by the profiteers I mean those who are non-producers and who are getting rich by great profits derived from the products of the farm and labor.

Trusting you will consider this letter in the same spirit in which it is written, and hoping this will find you enjoying the best of good health, with most cordial good wishes, I am,

Very respectfully,

PITT HENSLEE.

Mr. McKELLAR. Mr. President, I also present for printing in the RECORD a well-considered communication from Mr. H. Waters, of Troy, Tenn. These letters are from men of influence and standing in my State, and show a state of mind that is becoming general. Tennesseans are almost entirely native born. They are intensely American and are bitterly opposed to the isms so prevalent in certain parts of our country just now.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

TROY LUMBER CO.,
Troy, Tenn., December 4, 1919.

Senator McKELLAR,
Washington, D. C.

HONORABLE SIR: Belonging to the class of American people known as the middle class, I am, in common with probably 75,000,000 to 80,000,000 others, rapidly losing confidence in the ability or energy of the officials representing the people in Washington.

Food prices show a constantly rising level to the consumer, and the handwriting is on the wall for a condition bordering, if not the real thing, revolution of the sort they are having in foreign countries. The labor agitation in almost every branch where workers are unionized, even though they are receiving the highest wages ever known, shows plainly there is organized—and well organized at that—agitation afoot to place the unions in control of the laws and Government. Of the main happenings, the energetic action of Gov. Coolidge, of Massachusetts, proved successful, and is the only one showing successful handling. The steel strike fell through because the mill owners let the men break themselves. The coal strike affects nearly everyone, the poor more than the rich, and causes untold suffering. Why does the Government dillydally with these conspirators and allow them to run things as they will, at the expense of the great bulk of the people? Their union is certainly admirably organized when the strike will run itself successfully and in spite of the United States court mandates. Men certainly have a right to unionize if they want to. The queer part of it is that when they quit their jobs both the Government and the mine owners accept the situation and make no effort to work the mines. There is one way to handle matters of this sort besides holding hot-air conferences and trying to adjust matters by word of mouth, which simply brings on more talk and gets no coal.

When the miners walked out they quit their jobs. As a simple business proposition the operators should have given them notice to come and get their pay and vacate the company property, houses, etc.; then went on the market and recruited more men to take their places, and if the men who had left their jobs threatened trouble the military should have been called to protect the property and the workers.

Mining is healthy work, under fair conditions, but raising wages isn't going to cure the trouble, as the more they get the more they will demand—ditto with the operators—therefore, fair prices should be paid so that a man can make a decent living by his year's work, and the operators should be restricted to a reasonable profit, not over 12½ per cent on their investment in the gross. All work, so far as possible, should be done by piece-work rates, and you would readily find the men who are howling for a 30-hour week would be glad to work 60 hours and not complain.

The railroad brotherhoods, already very highly paid and earning more than they are justified in getting, are pretending to hold sessions, while all the time they are watching for a favorable time to threaten to tie up the country if the Government don't give them exactly what they demand. I have even heard threats as to what they will do if they don't get what they want, and the funny part of it is by the very class of men who are most neglected in the various pay increases because they have no union—the section men.

We have heard here that railroad trainmen are delaying train movements so that coal now mined and loaded does not move, notably on the Tennessee Central.

It is equally true that operators or plant owners should not be allowed undue profits at the expense of the public, but in the course of a good many years experience handling large crews of men I should say it is disgraceful, because one man or the whole crew quit or struck, as the word may be, to let my plant lie idle. If they weren't satisfied with their wages or treatment they have a perfect right to quit their jobs; the plant owner also has a perfect right to get out and hire men to take their places as a common-sense proposition; and this is what the coal-mine operators should be doing, and the railroad men the same when they strike, which they certainly are all set for and expecting every day.

Energetic and intelligent action should be ready to meet the situation in the interests of the people.

Very respectfully, yours,

H. WATERS, Troy, Tenn.

P. S.—We have just read of an instance where the trainmen refused to switch passenger cars containing troops for the protection of the nonunion miners, taking the stand they wouldn't help the "scabs." If this is correct, it is time drastic action should be taken by the Government with United States troops to prevent noninterference, and also to punish under the severest law the responsible party or parties.

SCHOOL OF AMERICANISM.

Mr. KENYON. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Hon. Martin J. Wade, judge of the Federal court for the southern district of Iowa, delivered before the Rotary Club of Council Bluffs, Iowa, on the subject of "Americanism." It is the best address on this subject which I have seen. I also ask that the address be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

SHALL WE HAVE A SCHOOL OF AMERICANISM? (S. DOC. NO. 167.)

"I am an optimist, and in what I shall say to-night there is no expression of pessimism. I have absolute faith in the American people. I know that, with a few exceptions, they are right at heart, and when aroused by the presence of danger they have a power for organization and achievement not equaled by any other people in the world.

"I am not a pessimist. I am only calling upon the American people to awake from their dream of security and to face a real danger which threatens our most sacred rights and the rights of our children in the years to come. Not only are the rights of America endangered, but civilization itself is threatened.

"We boast—and we have a right to boast—of the marvelous achievements of modern civilization. What is the most wonderful thing that civilization has brought to the human race? Is it our music, our literature, our sculpture, our architecture? No. Is it our accomplishments in science and inventions? No. The most wonderful, the most marvelous, thing which civilization has brought to the human race is a method and a tribunal for settling the differences between men in an orderly and a peaceful way. Men are so constituted that they will disagree. Perhaps the foundation of this human trait is selfishness; perhaps it is pride; perhaps it is the love—nay, the demand—for justice which exists in every human heart. In the olden days the differences between men were settled by brute force. Stung by wrong, or by fancied wrong, at the hands of a neighbor, the passion for revenge was aroused, and for centuries it was the recognized right of every man to wreak personal vengeance. This made the strong man the master. This was true not only of individuals but also of nations. War has been the only instrument known to settle international differences—war and blood and destruction and death. We have not yet an established tribunal to settle international disputes, but the great heart of humanity is filled with the hope that out of our recent World War will come the solution—that an international court will be established which will forever end the inhuman monster which has deluged the soil of the world with the blood of the fair and the brave and the true.

"But with reference to disputes between individuals, after centuries of crude efforts, the human race has found a way to protect right and to restrain and punish wrong; and this tribunal, now provided in all civilized nations of the world, is called a court. To define and direct and restrain human action, to provide for the punishment of wrongdoers, we have rules of conduct called laws. In this country these laws are enacted by the people. So that now, instead of grasping in angry passion the battle-ax or the bludgeon of our ancestors, we turn to the law and to the courts for punishment of those who do us wrong, and let us remember that the law and the courts are the only things that stand between us and barbarism. When men ignore the courts and defy the law in an attempt to impose punishment for wrongdoing they become savages. Mob rule is the rule of savage brutes, who, for the time being, have turned back the hands upon the great clock of time, who have torn down the only barriers which protect the weak against the strong, who have in angry passion swept away the greatest achievement of civilization. Confidence in the law and in the courts is the demand of this troubled hour, and the duty of every man and woman to aid in the maintenance of law and order in times of

peace is just as sacred as was the duty to uphold the power and the dignity of the Nation in the dark days of war's awful conflict.

"Am I unduly alarmed? Look around you! Why, the smoke seems to yet hang like a pall over the city of Omaha—the smoke arising from the burning temple of justice fired by the bloody hands of an infuriated mob. The diabolical roar of maddened men crying for vengeance still rings in our ears. We can still hear the crash of destruction, the roar of guns, the curses, the shouts of defiance, the moans of terror. We can see the flashing, bloodshot eyes and the foam-flecked lips that cry out for human blood—the blood not only of a man charged with a brutal crime, but crying out for the blood of the chief executive of the city, a man selected by the people themselves but a short time before to preside over the destiny of the city and the homes and the lives of the people of the city; to administer the law; to maintain peace and order; to protect the liberties of the people, rich and poor, high and low. We have before our minds the picture of brutal men turned to jungle beasts dragging the brave mayor of the city to the lamp post, of the struggle of the police to save his life, of his final rescue when life was almost extinct. We see the final triumph of the mob; see the murder of the victim which they sought; we can smell the burning flesh, incense offered to the fiends of hell. Omaha is not alone in her shame. Chicago, Washington, and other cities of this free land bear the brand.

"Am I unduly alarmed? Samuel Gompers, the great leader of organized labor, a few months ago made this statement:

"America has come out of the war renowned. It is more than a country; more than a continent; more than a name to call upon for freedom and justice to men. It is an ideal; the apotheosis of all that is right. * * * We realize fully that here in the United States we have not yet reached the acme of perfection, industrially, politically, judicially, or socially. But that is not a reason why we should be lacking in appreciation of that which has been accomplished. Regardless of what a man's philosophy may be, surely no reasonable man or woman now believes that we can get on very long or very successfully without some law and some authority vested somewhere. * * *

"Democracy must be entrenched in the true freedom of the people, maintained by justice, law, and order."

"This is a comprehensive statement of a great fundamental truth which underlies all human government. In this land authority rests with the people. They express their authority in constitutions and laws of the Nation and of the States, all of which can be changed or repealed by the people at their will. Under the Constitution and the law, courts are provided by the people, and judges are selected by the people to exercise the authority of the people as expressed in the laws which the people provide as rules of community life. And in face of the fact that authority must rest somewhere, and that in this country it rests with the people, and that the people have furnished laws and courts to exercise and enforce their authority, we behold the tragic spectacle of defiance of law—contempt for law and scorn for the courts, felt and openly expressed—by a large number of our people, not foreigners alone but those of American birth and blood.

"Am I putting it too strong? Why, the national convention of the American Federation of Labor, held at Atlantic City in June, 1919, adopted resolutions which contain this language:

"The power of our courts to declare legislation enacted unconstitutional and void is a most flagrant usurpation of power and authority, and is a repudiation and denial of the principle of self-government recognized now as a world doctrine. The continued exercise of this unwarranted power is a blasphemy on the rights and claims of free men of America.

"This usurpation of power by our courts to subordinate the legislative and executive departments to their will, and compel the activities of a free people to their whims and dictates, is paralleled and equaled only by the further usurpation of authority of our courts to legislate and punish people in direct defiance of constitutional safeguards to personal liberty and freedom of action.

"By the issuance of injunctive decrees by our courts, by the restraint they place upon the normal and rightful activities of a free people, by the punishing of free men in the exercise of their constitutional rights without opportunity of a trial by jury, by the removal of the safeguards thrown around the individual against extreme and excessive punishment, and the denial of an opportunity of Executive clemency our courts have vested themselves with a power greater than any despot ever heretofore possessed.

"The fate of the sovereignty of the American people again hangs in the balance. It is inconceivable that such an autocratic, despotic, and tyrannical power can long remain in a

democracy. One or the other must ultimately give way, and we believe that this convention should declare that as wage earners and citizens of a free and democratic Republic we should stand firmly and conscientiously on our rights as free men, and treat all injunctive decrees that invade our personal liberties as unwarranted in fact, unjustified in law, and illegal as being in violation of our constitutional safeguards and accept whatever conclusions may follow."

"In the last sentence of their resolutions this body of men said:

"The public mind and conscience should be fully aroused to the dangers confronting the liberties of our people."

"The public mind and conscience must be aroused, but the first thing which each and every man, woman, and child in America should do is to get into their hearts and souls these words of Chief Justice Marshall:

"The very essence of civil liberty consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection. The Government of the United States has been emphatically termed a government of laws and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right."

"This is 'a nation of law.' It will live as 'a nation of law,' or it will go back into chaos. And yet upon the street corners and upon the platform and in the papers and periodicals we find a loud, defiant protest against the eloquent words of the martyred Lincoln, who, on the field of Gettysburg, proclaimed this to be 'a government of the people, by the people, for the people.'

"There is no concealment of the purpose of many to change our form of government—some wanting to substitute one scheme, some another, many advocating the abolishment of all government and the substitution of anarchy. Some plan to make the change through the medium of the ballot; others openly proclaim revolution, riot, and the torch.

"Many whose angry voices are heard are foreigners; many of them are not. Some of them are ignorant; many of them are educated; some of them are teaching our children in institutions of learning.

THE CAUSE.

"What is the cause of present dangerous conditions? Space will only permit suggestions rather than explanation. The war disturbed the lives of many of our people; unsettled their occupations; overturned ordinary economic conditions; produced confusion in arrangements for the future of many men and women. The war aroused many elements of human passion which, under the influence of Christian civilization, had long been dormant. War conditions brought large profits to many who have not hesitated to flaunt their good fortune in the face of those who toil. The passion of selfishness and greed seems to have been aroused to a degree never before existing in this country, and many do not hesitate to extort from their neighbors. The common interest in the lives and fortunes of our fellow men, which must exist in a democracy, seems to have faded away. The lesson that the war taught, that we are all 'our brother's keeper,' seems to be already forgotten.

"But the seed of all this has been sown through many years. The truth is that for 15 or 20 years the propaganda of the socialist, the anarchist, the rebel against society, has been consistently carried on without interruption and almost without protest. Millions of copies of socialist and even anarchistic magazines and papers have been going through the mails for a generation. I do not think it is an exaggeration to say that at the present time there is distributed throughout the United States, weekly and monthly, 8,000,000 or 10,000,000 copies of vicious periodicals and newspapers, under various names, representing various organizations. These papers and periodicals are carrying a message of despair and hate, contempt for law, and repudiation of the United States as a 'government by the people.'

"A few days ago I received an announcement of a special edition of the Appeal to Reason, which for years has flourished as a mouthpiece of socialism; and this special edition was to be 2,000,000 copies, 'filling 8,000 mail sacks,' taking 'a train of 14 mail cars, each filled to the top,' to haul. These newspapers and periodicals and other literature carrying the same poison are going into the homes of the workingmen and the farmers of this country; they are going into homes where large families of children are growing up; they are going into homes where they have little of any other kind of reading; and they are molding the mind, forming the temperament, and poisoning the souls of the millions who ponder over them under the lamp at night. These newspapers and magazines extend no ray of hope to the

ordinary man; they endeavor to array class against class. They try to make the farmer hate the banker, the banker the farmer, the laborer his employer, and the employer his workmen; and in them all we can not find one single word of pride or affection for the flag of our country.

"These are conditions now existing, and existing for a long time, and, frankly, what have we done about it? What are we now doing about it?"

THE REMEDY.

"There is a remedy, and only one remedy. The evil can not be corrected by calling names nor by threatening force. Over the country we have a widespread movement for 'Americanism.' It is fine, though it is only at its beginning and needs steady, consistent work to have it bear fruit. But we must not assume that we can Americanize simply by teaching foreigners the English language. This is an essential, of course, but the truth is that in my whole experience through the war I never had a man or woman before me charged with defying the Government who could not speak the English language; most of them could speak it too fluently.

"What is the essence of accomplishment in this movement against the Government? 'Education' is the answer. They have educated, by the persistency of publication and spoken word, a large number of good people into a state of rebellion against their country, and this education is going on every day, and when we think of the little children whose view of life and whose view of their country is gathered from this sewer of poisonous literature, we must ask ourselves frankly, What of the next generation in this country?"

"The evil being accomplished by education, it must be met by education. It is the only remedy. In some way we must get a hearing with these poor people who are being deluded. In some manner there must be carried into these homes where the poisoned sheets go a message of truth and enlightenment. It can not all be done in the schools, though much must be done which never has been done. In my judgment, some man or some body of men in this country must start a movement, township by township and ward by ward, throughout the United States, to ascertain the individuals who are the students to-day of socialism, anarchy, bolshevism, and treason. There must be then sent into the homes of these people without expense, every week or every month, wholesome literature answering in detail every falsehood and every argument presented by the treasonable literature which they are now consuming. This literature in behalf of Americanism must not bear the brand or spirit of malice; nor must it assume an attitude of superiority. It must be sympathetic and generous, honest, free from suspicion of being representative of anything of politics or politicians, classes, or trades, or interests. It must be so wholesome and inviting that the children will read it at the evening table. It must be continuous and insistent, and it must hold out the hand of fellowship and brotherhood. It must light the fires of hope in the heart. It must inspire faith and confidence, driving away despair. It must bring to those souls now wandering in darkness the great truth that this is now and always has been and always will be the land of opportunity for the humble as well as for the exalted. It must give a definite conception of the fact that authority here in this country exists in the people. It must drag law and legal relations out of the realm of mystery and superstition. It must exalt the place and the power of the Constitution as the bulwark, not of the rich, but of the poor—the bulwark of human liberty. We must give to these poor people the whole truth, and 'the truth shall make them free.'

"Success in this direction can come only when our loyal Americans, our men and women who are true to the flag, will themselves become better educated in the great truths of our national life, because only with a full realization of the true relation of the individual to the Government can we be the support and the help of those who may be about us, who may have been less favored in life, in the matter of education and experience. Every American should be a lamp lighting the way of freedom, as well as a stone wall resisting every attack upon the integrity of the Nation.

HOW SHALL WE GET THE NAMES?

"The distribution must be intelligent—definite. Millions of dollars are wasted every year in sending through the mail pamphlets, advertising matter, copies of speeches, and books to people who do not need them, who do not want them, who will not read them.

"How shall a mailing list be procured?"

"I must here confess that I have had considerable experience in the distant past in assisting in the management of presidential campaigns. It may be assumed that the men of all parties engaged in managing political campaigns have devel-

oped the most effective means for carrying on educational propaganda. It is all very simple. In each voting precinct in city and county is a committeeman selected to assist the State and national organizations in campaign work of all kinds. Early in the campaign the bureau of publicity, or the bureau of organization, will send out to this precinct committeeman a questionnaire, with interrogatories, the answers to which will give, among other things, the names of 'independent voters,' 'voters who sometimes scratch their ticket,' 'first voters,' 'dissatisfied voters,' 'doubtful voters,' 'voters who only occasionally go to the polls'—this latter class assumed not to be strong partisans. The precinct committeeman calls to his aid active party workers, who make a canvass of their own neighborhoods; sometimes the work is divided by school districts.

"When the questionnaires, properly filled out, reach headquarters the names are classified and put in mailing lists. Immediately the publicity, or educational, bureau transmits a suitable personal letter—form letter, of course, though most of the recipients do not know it—this is followed by daily or weekly pamphlets, copies of speeches, statistics, appeals—all educational—in the hope that the voter may by election day become convinced that he should vote 'right.'

"In other words, instead of scattering educational matter broadcast, an effort is made to reach the 10 or 20 per cent in each community who may be free from absolute party ties.

"So in this Americanization campaign some staunch American should be selected in each precinct. A questionnaire should go to him, which, when answered by the committeeman, aided by other loyal men and women, will give the names of those who are 'socialists,' 'suspected of being socialists,' 'I. W. W.'s,' 'subscribers to socialist or other radical papers,' 'radicals not otherwise classified,' 'those who appear to be discontented with industrial conditions,' 'those who are heard criticizing the courts or condemning the law,' 'those not otherwise classified whose absolute loyalty is doubted in the community,' 'all those of foreign birth who need help, not otherwise classified.'

"From these answers a mailing list should be made, and every week or two the mails should carry to them something in the way of education, personal letters, periodicals, magazines, pamphlets—anything and everything which will help to bring to them something of the vision of their country as it really is.

"This community classification will not only supply a mailing list, but the names of those needing help being furnished to the local Americanization committees, they can do much to aid in bringing these lost sheep back into the fold.

NOT ALL WILL BE SAVED.

"I am not oversanguine; I expect opposition; I look for resentment at this 'interference.' I am sure that many will write stern letters demanding that their names be stricken from the list. But even these are not hopeless. When a person writes, he deserves an answer, written in the true spirit of brotherhood, making an appeal for a hearing, giving assurance of no offense, pledging sympathy, and expressing a desire to be helpful. To such an appeal many will listen. But even if no man or woman be brought back to the true faith, we may be able to save their children, or some of them, who in 30 years will be making the laws of this country. This generation is going to protect the flag; the next generation may substitute the red rag for the Stars and Stripes.

WHO SHALL BEAR THE EXPENSE?

"The expense of this great peaceful movement to save the Nation will be borne—willingly borne—by those who contributed to save the Nation in the dark days of the war. All that is needed is a realization of the danger and of the duty."

REPAYMENT OF ALLIED DEBT.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from yesterday's New York World in relation to the debt which the Allies owe to us and the probability of its repayment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York World, Dec. 7.]

REPAYMENT OF ALLIED DEBT—NOT A CENT OF INTEREST YET PAID ON MORE THAN NINE BILLIONS LENT BY THE UNITED STATES TO THE ALLIES—BY JANUARY 1 THE AGGREGATE, WITH ACCRUED INTEREST, WILL HAVE REACHED \$10,505,919,494—IT HAS BEEN DECLARED RECENTLY THAT NOT A DIME OF THE BILLIONS WE HAVE ADVANCED WILL EVER COME BACK TO US DIRECTLY—ALREADY IT HAS BEEN PROPOSED THAT THE DEBT BE CANCELED AND WAR OBLIGATIONS POOLED—MONEY WAS ALL SPENT IN THE UNITED STATES FOR SUPPLIES AND MUNITIONS—GREAT BRITAIN'S ADVANCES TO ALLIES EQUAL OURS.

[By W. P. Beazell.]

"The armistice was signed a year and a month ago, but the war debts of the Allies to the United States are still mounting at a rate of more than \$850,000 a day.

"No actual advance to any of them has been made since October 18, when an additional \$1,000,000 went to Italy, but interest on the billions which have already been supplied is accruing ceaselessly, is not being paid, and is being added to the total due.

"By the end of the current calendar year this item of interest alone will have reached \$858,500,000. The \$9,647,419,494 which represents the credits actually extended by this country to its partners in the conflict against the Central Powers will then stand on the books at \$10,505,919,494 really due.

"Just now in Paris financial agents of the Entente powers are seeking a basis of agreement regarding these debts. Ostensibly they are trying to find a way in which they may be changed from their present temporary status into something permanent. In reality, as many believe who have had opportunities for knowing what is really in the minds of the officials, they are feeling their way toward some device for the wiping out of the debts in their entirety.

"One man, whose relation to interallied affairs was of the most intimate character, said this to the World not long ago:

"Our credits to Europe may as well be regarded as outright contributions to the cause of democracy. Not a dime of the billions we have advanced will ever come back to us directly. By the time these debts fall due, if not long before, a proposal will be forthcoming that they be formally forgiven as representing only a fair apportionment to America of the burdens of the war before she came in, and that we will be getting off cheap, at that."

PROPOSAL THAT ALL THE WAR DEBTS BE POOLED AS A SINGLE OBLIGATION.

"As a matter of fact, this proposal has already been made. It was put forward in France during the peace conference, although not in the course of the deliberations at Versailles, and it was dropped then only because it was regarded as having been brought up prematurely.

"Within the past fortnight, furthermore, there has been a renewal of the suggestion that all the war costs of the Allies should be pooled and funded as a single obligation. As financial conditions now stand, this may be considered as merely another way of proposing that the United States should underwrite the whole huge sum.

"The negotiations now under way in Paris are for the deferment of interest payments as a first step toward formalizing the loans. Rates of exchange are so high that even if payments were made they would greatly increase the burdens of the debtor nations, and it has been proposed that no payments be attempted even for three years. Beginning in 1923, the proposal adds, an agreed-on share of the previously due interest should be added to that belonging to the current year until all had been accounted for.

"This arrangement would mean that 'when and if' the Allies began to pay interest there would be arrears of \$1,800,000,000 to be taken care of. Interest is now running at the rate of \$312,000,000 a year, which would amount, for the three years, to \$936,000,000 and would have to be added to the \$858,500,000 which will be due at the end of this month.

BRITAIN'S ADVANCES EQUAL OURS.

"One other very important factor in the pending negotiations involves the advances that Great Britain has made to the Allies. These amount to almost exactly as much as the advances made by the United States, and the one point of agreement reached so far is that there must be harmony between the dates of maturity fixed by England and America. Otherwise there will not only be confusion but exactions that the other nations can not meet.

"Small progress has been made with the negotiations at Paris. An infinite number of details have arisen for consideration, each of the debtor nations having its own peculiar circumstances to put forward for consideration, and among New York financiers there is an expectation that the present discussion may not progress much beyond the reaching of some understanding with regard to the payment of interest. It is possible that not even this will be determined at this time.

"It ought, however, to be borne clearly in mind that when these credits were established for the Allies there was no thought that they might not be paid. The question was squarely raised in a hearing before the Ways and Means Committee of the House, and then Albert Rathbone, Assistant Secretary of the Treasury, in charge of foreign loans, who is the agent of the United States in the negotiations now under way in Paris, made this declaration:

"All the statements made by representatives of foreign Governments—I have in mind particularly the British—have been to the effect that it would be unthinkable that their Governments should not pay their debts. They say they do not

want charity; that they have borrowed the money and intend to pay. There is nobody under heaven who can forgive these debts except the Congress."

UNDERSTANDINGS BUT NO AGREEMENTS.

"Nevertheless, it is nearly three years since the first of these credits was established, and they still remain merely as demand obligations of the nations to whom they were extended. There are understandings but no agreements as to when they shall be paid and what interest they shall bear in the meantime. They have never been put into the guise of permanent and formal obligations, and while the good faith of the Governments has been pledged the debts are, just the same, nothing but matters of bookkeeping record.

"In the meantime the United States is in the position of paying the interest on these debts, which are owed to itself. The money for these credits came from the various Liberty loans, each act authorizing a loan authorizing the Treasury Department to advance to our Allies a certain proportion of the money raised by that loan. Interest on the Liberty bonds is, of course, being paid, and will be, although no interest is coming in from those to whom the bulk of the money was turned over.

"It should also be borne in mind that while this money was loaned to our Allies it was all spent in this country. Great Britain needed munitions; they were bought here and paid for with the credit established for them. France needed horses; they were bought here and paid for in the same way. Italy needed coal; the same process was followed. The actual result of all this was that while a short cut—very desirable in time of war—was taken the supplies that were bought here were paid for by the United States, and that it remains for the future to disclose whether the United States will ever be repaid.

SLIDING SCALE OF INTEREST RATES.

"The first credit to the Allies was established in April, 1917, immediately after we entered the war. It was provided that interest on this should be paid at the rate of 3 per cent. Almost at once the rate was raised to 3½, and when it became necessary to make the bonds of the first Liberty loan bear interest at 3½ per cent the rate to the Allies was raised to that figure. At this rate advances of \$400,000,000 were made.

"Then it became apparent that the rate to the Allies would have to be higher, since the bonds would have to have a greater yield. Under the terms of the act authorizing the second Liberty loan it was provided that \$4,000,000,000 might be loaned abroad; and the rate for that was fixed at 4½ per cent. In April, 1918, the rate was again increased, this time to 5 per cent, and at this \$5,000,000,000, in round numbers, was loaned.

"But even though each loan was made at a fixed rate of interest, none has ever been paid. At intervals the Treasury Department would make an interest call, but this amounted to nothing more than a computation of what was due. The amount was merely added to the sum of the principal. The last call of this kind was made last May, and it was expected that another will be made the first of the year. The same procedure as before will be followed.

"Tentative times of maturity of the loans have also been fixed, approximating the time at which the Liberty loans must be paid off. The money advanced under the first loan is due June 15, 1947. That advanced under the succeeding loans is due in 1938. Nothing has ever been done, however, as to details of payment.

OUR VARIOUS DEBTORS.

"The desire to reach a harmonious understanding with Great Britain especially has been influenced to some extent by the fact that Great Britain is our largest debtor under these credits.

"The list of them all is as follows:

Great Britain	\$4,316,000,000
France	3,047,974,777
Italy	1,620,992,872
Belgium	343,445,000
Russia	187,729,750
Czechoslovakia	55,330,000
Greece	48,236,629
Serbia	26,780,465
Cuba	10,000,000

"Credits of \$25,000,000 for Roumania and of \$5,000,000 for Liberia never had claims made against them.

"A clearer understanding is being gained of the extremity of Europe as time passes. This extremity obviously has a very direct bearing on her debts to the United States, quite aside from the after-the-war assistance that will have to come from this country. This assistance will amount, it is computed, to at least \$9,000,000,000.

DEBTOR NATIONS IN DISTRESS.

"Raphael Georges Levy, testifying recently before the general council of the parliamentary conference on trade, estimated the

'total financial damage suffered by France during the five years of war' at \$70,000,000,000, of which \$40,000,000,000 was material damage to property and \$30,000,000,000 actual war costs. Next year—the first during which any reparation measures will be possible—the budget will amount to at least \$5,000,000,000, part of which will be met by taxation and part by borrowing.

"France is preparing to borrow by means of the lottery bond issue scheme, which was voted down last week in the British Parliament. The device is an old and popular one in France, drawing each year retiring bonds at bonuses which represent a substantial reward to the holders. It is expected that the first loan under this plan will be for \$10,000,000,000.

"In Italy there seems every probability that a forced loan will yet have to be resorted to. The proposal has been brought up repeatedly, one plan which was worked out in detail providing that possessions up to \$4,000 should be exempt, but from that figure up to \$10,000 they would be subject to a levy of 5 per cent, rising gradually to 40 per cent in cases of fortunes of \$10,000,000 and upward.

"The forced loan has been a nightmare in all the countries of Europe. It has seemed so inevitable in many cases that it is in itself largely responsible for the delay in working out any real plans for rehabilitation."

TREATY OF PEACE WITH GERMANY.

Mr. McCORMICK. I present and ask to have printed in the Record an article from Harvey's Weekly analyzing the proposed reservations to the peace treaty:

There being no objection, the article was ordered to be printed in the Record, as follows:

NULLIFICATION OR AMERICANIZATION.

"Let there be no misunderstanding! The treaty as submitted by the President is no longer an issue. It is dead. It can not be resuscitated. All admit that. The treaty as modified by the Senate is dormant but not dead unless the President so wills. That treaty is the issue. There can be no other.

"What would ratification of that treaty involve—complete nullification or mere Americanization? There the line is drawn, sharp-cut and clearly defined.

"The resolution in that form," the President asserts as his opinion, "does not provide for ratification but, rather, for the nullification of the treaty."

"The reservations," Senator LODGE declares with equal positiveness, "are designed solely to Americanize the treaty and make it safe for the United States."

"One or the other must be wrong. Which is right? Let us analyze and consider clause by clause. Take first the preamble:

"Resolved (two-thirds of the Senators concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations, understandings, and interpretations, which shall be made a part of the instrument of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan."

"This is not rejection. It is acceptance. It 'advises and consents' to ratification. The sole condition is that three of the principal allied powers shall signify acquiescence in certain 'reservations, undertakings, and interpretations' to be enumerated. What can be the real objections to that procedure? The first is that it is unnecessary because under custom and precedent silence gives consent. Granted, with respect to ordinary treaties. But this, as Senator BRANDEGEE said, is not an 'ordinary peace treaty.' It is a permanent engagement on the part of the United States to abandon the policy which it has maintained since its formation and to join a coalition of 40 or more nations scattered over Europe, Asia, and Africa.

"Is there anything unreasonable in asking that the only terms under which the United States is willing to do this should be specifically recognized and accepted by three of the other powers concerned? If silence really does give consent equivalent to that of a signed note, why should Great Britain or France or Italy decline or hesitate to grant the written assurance of understanding to which under the circumstances we feel entitled? The way is made easy. No 'opening up of the whole treaty' is called for—only an 'exchange of notes' through ordinary diplomatic channels, which could be made in effect by cable in 48 hours.

"But it is urged that Great Britain would not do this because she could not stoop to bind herself definitely to assent to a certain reservation which incidentally deprives her of excep-

tional privileges. What can this mean except that she has no intention of recognizing that reservation under the plan of tacit acquiescence?

"It is argued further that Japan would take the same position respecting another reservation which only withholds the approval of the United States of a special territorial concession to her carved ruthlessly out of another faithful ally. Obviously, the query raised with respect to Great Britain here also applies with increased force.

"Other disquieting portents, moreover, are visible—one notably of a most sweeping character. Only last week Col. Robert R. McCormick, one of the proprietors of the Chicago Tribune, cabled to his great journal from London:

"The London papers widely display the suggestion of the Presse de Paris that if America does not require the acceptance of the reservations in the peace treaty, the Allies will allow the league to be formed and later refuse to recognize the validity of the reservations."

"Therefore," added Col. McCormick, with peculiar urgency, "it is vital that the Senate does not omit a clause requiring their acceptance. The majority of the league, otherwise, would demand obedience to those sections reserved against under penalty of war."

"This is what America wishes to avoid beyond peradventure. She is not willing to take the remotest chance that her safeguarding reservations shall be treated as 'scraps of paper.' The pledge to recognize them, we are assured, is embedded with binding force in assenting silence. Then why, asks the United States, Yankee fashion, not 'put it in writing?' We stand ready to sign everything we agreed to. Why should not the others if they are, indeed, sincere? Are they so proud and haughty and superior that they will deign to put only inferences against our bond? Even for policy's sake might they not do well to heed the admonition of our self-designated apologist, Mr. Taft, who pleads with suffocating sycophancy, 'You must be patient with the United States'?"

"But though we be considered unduly meticulous in our contention and slightly impolite in our insistence, surely there is nothing in this simple preamble to warrant the President's interpretation.

"It does not nullify. It does ratify. Nobody can deny that.

"1. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States."

"This is purely interpretative. Article 1 grants privilege of withdrawal if all international obligations have been fulfilled, but it does not designate the judge of what constitutes fulfillment. The natural impression is that the league itself, like the Senate or House of Representatives, respecting its membership, would possess this power of determination. If so, withdrawal by the United States without indorsement by its eight fellow members of the council of its claim of fulfillment could be accomplished only through repudiation of its obligation and would involve a declaration of war against the league itself. If not, that is to say if the United States should be the judge, as it is according to the President, the reservation only makes plain that which is implied. Again, there is not a vestige of nullification.

"2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide."

"Upon the fundamentals of this declaration there is no dispute. All admit that under the Constitution the United States can not engage in war 'to preserve the territorial integrity or political independence of any other country' or 'employ the military or naval forces for any purpose' except by affirmative action of the Congress. The sole point is one of moral, not legal, obligation, and even here there is little, if any, differentiation. Both President Wilson and Senator BORAH assert that a moral obligation transcends a legal obligation, and that the United States would be in honor bound to recognize and abide by that admitted principle.

"The vital difference lies between the two words 'until' and 'unless'—the Congress 'shall so provide.' The clause proposed

by Senator HITCHCOCK as acceptable to the President includes 'until,' thereby retaining and conceding the transcendent moral obligation and making its application solely a matter of time. The Lodge reservation, on the other hand, through the use of 'unless,' holds strictly in Congress its constitutional prerogative to act 'in any particular case' that may arise without being hampered in the slightest degree by any moral obligation arising from commitment of the treaty-making branches of the Government.

"There is yet another phase of this notorious article 10 which should not escape attention. The President, Mr. Taft, and Senator HITCHCOCK have harped persistently upon a single string, namely, that in case of aggression or threat thereof the council has no authority to require this country, except as we have noted in response to a call upon its honor, to use its Army and Navy in enforcing the council's decrees, and, in support of this contention, they plausibly instance the English version of the covenant to the effect that the council shall only 'advise' as to the means by which the United States shall fulfill its obligation.

"But wait a minute! The official French version of article 10 reads as follows:

"*Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société.*

"*En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.*

"*'Avise aux moyens.'* What does that mean in plain English? Merely to 'give advice,' as the President and Mr. Taft and Senator HITCHCOCK assert? Not at all. It is a common French idiom and translated accurately reads:

"*'In case of aggression, of menace, or of danger of aggression, the council discusses (deliberates upon) and decides upon the means of assuring the execution of this obligation.'*

"The French word for 'to advise' is 'conseiller; donner des conseils; recommander.' (Clifton & Grimaux French-English dictionary.) The meaning of 'aviser' (advise) (conseiller, persuader) is obsolete, according to Larousse, Grande Dictionnaire Universel, and antiquated (Spiers & Surenné). The French-German, French-Portuguese, and all-French dictionaries show that 'aviser aux moyens' has only an intransitive meaning, 'think of, reflect on, provide for, look to, supply, etc., the means' to attain an object. It conforms precisely to the Old Testament phrase, appropriated somewhat amusingly at times by the President, himself a doctor of divinity, to 'take counsel together' upon the means, etc., i. e., to decide them—in the Old Testament days after, but in Mr. Wilson's practice generally before, discussion.

"We readily acquit Mr. HITCHCOCK, who was educated in Baden-Baden, and Mr. Taft, who grew up in Cincinnati, of suspicion of anything beyond ignorance of the nuances of a language less familiar to them than German, but the obvious imperfection of Mr. Wilson's command of the French language, acquired during his long sojourn in Paris, is most disconcerting.

"The salient fact, however, is that the Lodge resolution does not declare that the United States will not cooperate in the manner indicated. It simply reserves to Congress the moral as well as the legal right to determine each case upon its merits under the conditions that may at the time exist.

"Clearly there is no nullification here. There is nothing whatever beyond prudent avoidance of the possible necessity of exercising a legal right to offset fulfillment of an obligation confessedly moral in its making but quite likely to prove wholly wrongful in actual performance.

"3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States."

"This simply makes clear the fact that the Executive, be he Woodrow Wilson or John Smith, can not commit the United States to assumption of control by force of another country without the assent of Congress. It prohibits nothing. It nullifies nothing.

"4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league

of nations, or any agency thereof, or to the decision or recommendation of any other power.

"5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone, and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany."

"Nobody in America—we hasten to except M. Clemenceau's spokesman, M. Lausanne, and other Europeans who take the contrary view—has been more insistent than the President in iterating and reiterating that the Monroe doctrine is, as he admits it should be, fully safeguarded and that American control of all domestic questions is likewise guaranteed by the treaty as submitted. Very good! These reservations simply emphasize and in no sense nullify the understanding to that effect.

"6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan."

"That is to say, the United States declines to condone the spoliation of our ally China by our ally Japan, sanctioned by the European powers, but it does not set up even that awful crime as a cause of refusal to ratify the treaty. Shocking and shameful as the President himself admits the outrage to be, the reservation does not hold it to afford sufficient reason for nullification. It merely withholds America's approval of the greatest crime ever committed by presumably civilized, professedly honorable, and hypocritically Christian nations.

"7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may, in its discretion, provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof, and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

"8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany or from Germany to the United States only when the United States by act or joint resolution of Congress approves such regulation or interference.

"9. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States."

"These provisions are purely domestic. They simply constitute the Congress a working partner with powers equal to those of the Executive in transaction of the business. The mere method thus prescribed is, of course, no concern whatever of the other powers.

"10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

"11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

"12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or ap-

proval of any act otherwise illegal or in contravention of the rights of the citizens of the United States.

"13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress, by act or joint resolution, shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution."

"These are self-protective measures pure and simple. They have no bearing whatever upon the treaty in the sense of nullification."

"14. The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted."

"This is adroit, we admit with regret, when it ought to be direct. And yet the mere fact that it is obviously a ruse tends to establish the sincerity of the Senate in supporting ratification with effectual reservations. To avoid the delay and disturbance likely to ensue from adoption of textual or technical amendments this method was devised of notifying the world that the United States considers itself the equal of any other nation. The reservation, of course, can affect only Great Britain, and the sole objection that can possibly be raised by that great and friendly Empire would lie in her honest belief that in a supergovernment of the world she is fairly entitled to six votes to one for this recalcitrant but moderately successful colony—a natural and characteristic proposition, but one somewhat difficult to put over on even an unsophisticated people whose forefathers had the audacity to object to taxation without representation."

"The reservation itself, of course, nullifies nothing but the technically numerical and proportionately effective superiority of Great Britain over the United States, and, Mr. Wilson and Mr. Taft to the contrary notwithstanding, we guess that will have to be done."

"Now, there is the whole story. And this is the incontrovertible answer to the query which we propounded at the outset:

"The treaty has not been nullified by the reservations as a whole or in any particular."

"It has been Americanized in part, though by no manner of means in full."

"It ought to be beaten entirely. We hope it will be. But that is beside the mark. All we have in mind at the moment and all we have tried to demonstrate is that the President is wholly wrong in his pronouncement that the reservations spell rejection. They don't. They include ratification. Even Mr. Taft's flatulent concern to 'enforce peace' says:

"The treaty, even with the reservations now adopted, can accomplish this purpose (peace preservation) and should be ratified. There is no adequate reason why it should not be."

"We note in conclusion that the President's cautious note to Senator HITCHCOCK did not declare a final judgment. It conveyed no more than a mere 'opinion,' and opinions sometimes change."

"We still think that Mr. Wilson will take what he can get—even the 'irreducible minimum.'"

"Remember, he can not run again."

SUGAR SHORTAGE.

Mr. BORAH. Mr. President, I ask the indulgence of the Senate to call attention to a press dispatch, under date of December 5, from Washington, by the United Press:

UNITED STATES SUGAR EXPORTS NOW AT HIGHEST PEAK—FIGURES MORE THAN DOUBLED IN YEAR IS SHOWN.

[By United Press.]

WASHINGTON, December 5.

The United States now is exporting sugar in larger quantities than ever before, despite the nation-wide shortage, latest Government reports showed to-day.

Reports collected by the Commerce Department explained the situation through October. There is no reason to suppose that exports have dropped since, officials said. Exports in that month totaled 180,197,446 pounds. For October, 1918, exports were 80,105,729 pounds.

Sugar now is being sent out of the country at the rate of more than 50 per cent of the total product, according to reports to the Agricultural Department, which show that for the fiscal year ending June 30, 1919, total production was 2,099,000,000 pounds. Exports for this period totaled 1,119,000,000.

The beet-sugar crop this year will be greater, but there will be a great reduction in cane sugar, according to preliminary reports to the Agricultural Department.

I have a letter addressed to me by a business man in Pittsburgh in which this paragraph appears:

Here we are, exporting practically 100,000,000 pounds more per month than usual, and still there is not one family in ten that has a week's supply of sugar. In fact, Pittsburgh has not had for nearly four months the average of 1 pound of sugar to a family. I know this is true also in other sections, and still the exporting continues to increase. Why? Simply because the speculators can get more for their sugar as an export article than they can under the "sugar-control"—

And so forth.

Mr. President, I do not know whether or not this statement is accurate, but I assume, of course, that it is. It comes from a responsible source. If it is, it is certainly entitled to some consideration at the hands of those who have control of this situation. I should like to ask the Senator from Utah [Mr. Smoot], who is doubtless familiar with this subject, and the Senators from Louisiana, both of whom are present, whether or not they are familiar with the facts, and whether or not it is true that we are now, at a time when the people of America are eating sugar made of corn, exporting 50 per cent more sugar than we exported for the same time during this period last year?

Mr. SMOOT. Mr. President, I will say to the Senator from Idaho that I have not the information to confirm the figures referred to in that article, but I do know that sugar has been exported, and I called the attention of the Senate and of the country to the fact about the 1st of October. I was assured at that time that the exportation of sugar from this country would cease; but the latest information I have is that it is still being exported from the United States to European countries.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. KING. I know that sugar is being exported, because I talked with one of the supercargoes only day before yesterday, and he stated that two vessels are now being loaded at New York for the purpose of being sent to the Mediterranean Sea; but I want to say to the Senator, if he will pardon me, that Congress is largely to blame, because we have refused to adopt such regulatory measures or pass such legislation as was necessary to control the situation.

Mr. BORAH. I am disposed to challenge that proposition, Mr. President.

Mr. POMERENE. Mr. President—

Mr. SMOOT. I should like to answer my colleague in the statement just made by him. I think my colleague is mistaken when he says it is the fault of Congress.

In the hearings it was positively testified that the sugar of Cuba was not to be purchased by the Government of the United States, although the Equalization Board has recommended that to be done, and the Cuban sugar was left to be purchased by the refineries of foreign countries as they saw fit; and the two cargoes of sugar that were loaded last week are made up of sugar that was purchased from Cuba by foreign countries and sent to America to be refined here and shipped from the refineries.

The great mistake was made when the administration refused to purchase the Cuban crop. The law is in force until the 1st day of January next. The Cuban sugar ought to have been purchased, but it was not done.

Mr. GAY and Mr. POMERENE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from Louisiana, and then I will yield to the Senator from Ohio.

Mr. GAY. Mr. President, the Louisiana Senators will be very glad indeed to give the information.

The Government has been refining sugar on toll. There is about 50,000 tons of sugar belonging to the British Royal Commission which has been purchased in Cuba, and that sugar is being brought to this country and refined on toll and sent to Great Britain or to other points to which the British royal commissioners see fit to ship it. Mr. Zabriskie, the president of the Sugar Equalization Board, made the statement that there was no sugar being exported from this country except that which the British Royal Commission had already purchased and which was being refined in this country on toll, as stated before.

Now, there is a great difference of opinion with regard to the question of whether or not this sugar should have been bought months ago by the Sugar Equalization Board. If the Senator will allow me, I will be glad to read what Prof. F. W. Taussig, who is a member of that board, had to say on that subject:

I regret not to be able to reach the same conclusion as the other members of the Sugar Equalization Board. I believe that no negotiation should be entered into with the Cuban producers, and that the regulation and restriction of sugar prices should cease with the close of the present arrangement, December 31.

It is true that the evidence now available points to a shortage of sugar in 1920 and to a possibility of prices in that year as high as those of 1919, or even higher. But no certain conclusions can be reached about the future. Prices of sugar will be affected not only by the incoming supplies, but by the general political and monetary conditions of the whole world. The general level of prices in the United States and in other countries may be lower than it is now. Consumption may be reduced by changes in general business conditions or by restrictive measures in importing countries. The present recommendation of the board is that the United States (through the board) should repeat a huge commercial venture, in the hope of protecting consumers and of incurring no loss, but with the clear possibility of having to assume a loss. The operation would involve a guaranty by the Government of extremely high profits to the Cuban sugar planters, and also a virtual guaranty of similar profits to our beet-sugar producers as well as to the planters of Louisiana, Hawaii, and Porto Rico. It would necessarily lead to contracts with the sugar refiners which would guarantee good profits to them also. No doubt in the absence of Government regulation all these producers might make profits higher still; but prediction as to the outcome one way or the other can not be made with any confidence. Business of this kind may be undertaken by the Government under stress of war, but should cease now that we are at peace.

Moreover, the regulation of the price of sugar can not in my judgment stand alone. The whole relation of government to industry in time of peace is involved. If the price of sugar is to be specifically controlled, so should that of bread, of meat, of clothing. In the main we must look for a remedy to the natural development of production and to the return of the entire world to normal financial and economical conditions.

That is the statement of Prof. Taussig, a member of the Sugar Equalization Board, and that advice evidently was followed by the President.

Mr. BORAH. Who constitute that entire board?

Mr. GAY. I think the names of the members are in this report. Mr. Zabriskie is the president of the board. Mr. William A. Glasgow, of Philadelphia, is a member of the board. Mr. Herbert Hoover is a member. I do not recall the names of the others.

Mr. BORAH. I thank the Senator.

Mr. GAY. The names are published, however, in the hearings which were held recently before the Committee on Agriculture and Forestry. I shall be very glad, indeed, to insert the names if the Senator will permit me:

SUGAR EQUALIZATION BOARD.

George A. Zabriskie, president; Herbert Hoover, William A. Glasgow, Theodore F. Whitmarsh, Edgar Rickard, Dr. F. W. Taussig, Clarence Woolley, E. Edward Shattuck.

Mr. SMOOT. Mr. President, Mr. Glasgow, I think, has given more attention to this subject than Mr. Zabriskie, and I know that both of them have given more attention to it than Dr. Taussig. I know that all of the members of the board, with the exception of Dr. Taussig, were in favor of purchasing the Cuban crop of sugar.

There was a propaganda started—I do not know from what source it originated—with a view of creating in the minds of people the impression that there was going to be not a shortage of sugar for the year 1920 but a surplus; and Dr. Taussig seems to be the only member of the board who took that position. I want to say that the Equalization Board was told not once but many times that the beet-sugar producers of this country were ready and willing to enter into a contract with the Government of the United States that they would not sell sugar above a certain price, and they even went so far as to say that they would allow the board to fix the price, but nothing was done.

I have not any doubt but that there is a shortage of sugar in the world, and anybody else who has followed the question knows that the production of sugar in the world this year of 1919 is not sufficient to meet the needs of the people of the world, and some parts of the world will not be able to secure sugar sufficient for their wants.

Mr. HARRISON. Mr. President, will the Senator from Idaho allow me to ask the Senator from Utah a question?

Mr. BORAH. Certainly.

Mr. HARRISON. Does the Senator think it is too late now to purchase part of the Cuban crop of sugar?

Mr. SMOOT. Mr. President, I am fearful that it is, because of the fact that the great bulk of it has already been purchased, and the holders of the balance of the sugar realize the great advantage in the position they occupy. We have no power to compel them to sell sugar at any price lower than that at which they desire to sell it.

Mr. HARRISON. The Senator said that the fault was with the administration and was not with Congress.

Mr. SMOOT. Yes.

Mr. HARRISON. The Senator is aware of the fact that there was a bill introduced, either in the latter part of October or the first part of November, providing that the Government should purchase a part or all the Cuban crop of sugar.

Mr. SMOOT. No, Mr. President, the bill was not for that purpose. The bill was for the purpose of compelling sugar

producers and purchasers to secure licenses before selling sugar.

Mr. HARRISON. Yes; it was for the purpose of compelling licenses to be issued, and at the same time to purchase the Cuban crop of sugar.

Mr. SMOOT. The board has that right now.

Mr. HARRISON. There is a difference of opinion as to that.

Mr. SMOOT. There is no difference of opinion with the members of the board. Dr. Glasgow does not think there is any difference, and Mr. Zabriskie, the chairman of the board, does not think there is any.

Mr. HARRISON. The Equalization Board came before the Committee on Agriculture, and they said they did not think it would be advantageous to purchase the Cuban crop of sugar unless they were given the authority to regulate the price of sugar in the United States, and the Committee on Agriculture reported out what is known as the McNary bill on November 3. That bill has been on the calendar ever since. We have been unable to get it up and pass it in the Senate. It would seem to me that we ought to pass that bill at the very earliest possible moment. It may be that we can give some relief to the people.

I want to say in this connection that when the Committee on Agriculture was hearing these gentlemen on that proposition they said that if we did not purchase the Cuban crop of sugar and did not have regulation touching the sale of sugar the price of sugar would not go over 11 or 12 cents a pound. That was presented to us, not by the Equalization Board but by other people. Sugar has gone in some instances to 27 cents a pound. It is being sold in my State at 27 cents a pound. Some of the producers in Louisiana are charging 18, 19, and 20 cents a pound. It does seem to me that if in order to bring the price of sugar down we have to give authority to regulate the price that is to be fixed to the consumers we ought to do it, and I would go that far, even though I voted in the committee against it.

Mr. GAY. Will the Senator from Idaho yield, that I may ask the Senator from Mississippi a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Louisiana?

Mr. BORAH. I yield.

Mr. GAY. I would like to ask the Senator from Mississippi [Mr. HARRISON] if we should go that far in regard to cotton and other commodities?

Mr. HARRISON. I do not think it is necessary to go that far in regard to the price of cotton.

Mr. GAY. I wanted merely to get the Senator's view.

Mr. HARRISON. In this country we are not exporting sugar. We have not a supply of sugar on hand. We do export a great deal of cotton. If we have to purchase sugar from abroad, we ought to get it from abroad.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Mississippi that if the people of his State are paying 27 cents a pound for sugar, I can not see why action is not taken against the people selling at that price, under existing law, as profiteers. I understand that the Equalization Board have stated that under the conditions existing in Louisiana, and affecting the Louisiana sugar crop, 17 cents would not be a profiteering price for the sugar.

Mr. OVERMAN. Why not?

Mr. SMOOT. I am going to show. The reason given is that the crop is a very limited one, and the expense of manufacturing sugar in Louisiana this year is such as to justify a charge of 17 cents a pound.

Mr. THOMAS. Mr. President, may I ask the Senator when the United States Government became a guarantor of profits in any business?

Mr. GAY. I can answer that question, if the Senator will permit me.

Mr. THOMAS. Let me ask, in another form, the same question which was asked just now by the Senator from Louisiana [Mr. GAY] of the Senator from Mississippi [Mr. HARRISON]. Suppose that weather conditions or other difficulties should result in a shortage of the cotton crop. Must Uncle Sam come forward with the Treasury containing money wrung from the taxpayers to make a profit to the cotton raisers or to please the wheat growers or any other producers of the country? If so, then we are certainly launching upon a governmental policy that has no limitations. And if my law practice fails, if I should ever go back to it, I will expect the Government of the United States to supplement my deficiencies with a very appropriate arrangement by which I could get money from the United States Treasury.

Mr. SMOOT. I want to say to the Senator from Colorado that if sugar took the same course that cotton is allowed to take, sugar would be selling all over the United States at 20 cents a pound.

Mr. THOMAS. That may be; and even more.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I wish to call attention to the question asked by the Senator from Louisiana [Mr. GAY]. This is a very interesting question to me. I received a letter from a constituent the other day saying that he could not buy any sugar where they had been buying it for 25 or 30 years, in New York, but they were required to go to New Orleans. They have adopted some zone system by which they have to buy it down there instead of buying it in New York. He stated that they could buy it in New York for 9 cents, but had to pay 15 or 20 cents in New Orleans. I referred the matter to the board, and they said we ought to buy it where we could get it and not buy it where we could get it cheapest, and we were forced to buy it in New Orleans instead of New York.

I would like to ask the Senator from Louisiana why that regulation? Where does it come from, and what authority have they to regulate my right to buy in a high market when I could buy in a low market?

Mr. GAY. If the Senator from Idaho will still yield, I will answer that question.

Mr. BORAH. I yield.

Mr. GAY. As the Senator from North Carolina well knows, we are presumably at peace but technically we are still at war. There are some commodities that are still controlled under wartime regulations, and sugar happens to be one, in so far as certain contracts that were made during the war with the Cuban planters and the bringing of sugar into this country are concerned.

The contracts which were made during the war with the beet people and with the sugar producers of Louisiana have expired, and the producers of sugar in the United States feel that sugar should be treated like every other American agricultural product; that it should be regulated according to the law of supply and demand.

Mr. KING. Mr. President, will the Senator yield? I want to correct one statement just made.

Mr. GAY. Will the Senator permit me to finish my statement?

Mr. KING. I think the Senator ought to have his statement corrected. I think he will be glad to do so. I think he is in error in saying that the sugar producers of the United States desire the law of supply and demand to take effect, if he means by that that the sugar producers all desire these high prices. I know that the beet-sugar people of the West were perfectly willing, and are now, to sell sugar at 9 and 10 cents a pound, and they do not want 15, 18, or 20 cents a pound. If the Louisiana sugar producers are charging that, I think it is an outrage.

Mr. GAY. The Senator may think that the people do not want the law of supply and demand to regulate, but on that I think the Senator is in error, for I have heard from some of his friends in the beet section that it is simply a case of trying to have the law of supply and demand go into effect.

In regard to the zone system, let me say that the Food Administration did divide the country into a zone system whereby sugar from the West should supply a certain territory, sugar produced in the South should supply a certain territory, and sugar that is manufactured or refined in the East should supply a certain territory.

That zone system will in all probability come to an end when the Sugar Equalization Board goes out of existence on the 1st of the coming January. It is my opinion that had the Sugar Equalization Board come to an end in August last, people who are in the business of importing into this country would have known the Government's policy, and we would not have had this great scarcity of sugar at this time.

Let us bear in mind that sugar has been the cheapest article of food in the United States. There is a world shortage of sugar. The price has been held down in this country by artificial means and consumption has been greater than ever before. This caused the American consumer to eat a normal year's supply in nine months, which is the admitted cause of the temporary shortage to-day.

Mr. OVERMAN. I wish to ask the Senator why, when the grocers in my part of the country have been buying their sugar in New York at from 50 to 75 per cent less than they can buy it at New Orleans, they should be compelled to buy it at New Orleans?

Mr. GAY. The sugar producers of Louisiana are not under any contract with the Government to supply sugars below the

cost of production. However, they did agree that they would not sell their sugars above 17 cents for yellow sugars for this season. They could only be prosecuted under the law for profiteering, and even at 20 cents they would not be profiteers, for they have a crop failure throughout the State. There is no reason why the people of North Carolina can not buy sugars from New York when the zone system comes to an end, and that will be on the 1st of January, when the Equalization Board ceases to exist.

The reason why the sugar in New York is being sold at the price that it is is that there is a remnant from the contracts made during the war which is still being refined in this country and being distributed in that territory, and North Carolina, unfortunately, is not in that zone.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield to the Senator from Ohio.

Mr. POMERENE. If I may be permitted to say a word, I have taken this subject up not only with the Attorney General but with the United States Equalization Board. It is not correct to say that the department fixed a price for Louisiana sugar, as I am informed, but they attempted to limit the profit which the Louisiana sugar producer should be permitted to get for his crop. It was said that the Louisiana crop was a 50 per cent failure. They have been selling at 17½ and 18 cents. Just within two or three weeks I had a letter from a prominent wholesale grocery firm of Columbus, Ohio, which inclosed a circular letter which had been issued by a sugar broker in which he stated that he had recently bought 18,000 barrels of Louisiana sugar at 17½ or 18 cents, although I am not entirely clear in my own mind at the present time as to the exact figure, and said that they could buy more if orders were placed promptly. At the same time in the beet-sugar district the price had been fixed at 10½ cents per pound. The result was that there was cane sugar from Louisiana, for which the dealer paid 18 cents per pound, or thereabouts, and beet sugar, for which he paid 10½ cents per pound. I know of no way whereby the ordinary consumer can distinguish between beet sugar and cane sugar. It can not be done. Those prices prevailing in a given locality would give a splendid opportunity for every dealer to profiteer when it came to the sale of beet sugar.

In addition to that, at the time when this price was fixed of 10½ cents by the Department of Justice, the United States Equalization Board had told the beet-sugar producers that they would give them 11 cents a pound for all they had on hand the latter part of November. The result of these statements has been that many of the beet-sugar firms have been withholding from the market their beet sugar, and that has led to the scarcity throughout the country.

We have in Ohio, I believe, five beet-sugar plants, and there are some in Michigan. They were supposed to supply that section of the country. I was informed that it was proposed to adopt some sort of a zone system whereby the beet sugar would be confined to one section, the Louisiana sugar to another, and the Cuban sugar to another.

I know that the subject of the hoarding of sugar has been investigated and is being investigated. I am satisfied that there is not such a scarcity of sugar in this country as dealers would make believe.

Further, as to the question of the shipping of sugar abroad, it is true that there was some sugar shipped abroad earlier in the season. My information from the United States Equalization Board was that the sugar which was being shipped was a part of last year's Cuban crop, and that when it was bought by this Government it was with the understanding that a certain portion of it—I think one-third—would be given to our allies.

I have been hoping that this matter would be pressed a little further and that we should buy the Cuban crop, if we could get it, though we have now to compete in the market with our allies to get it, and the probabilities are that we would have to pay more for it, if we could get it at all, than we would have had to pay a short time ago.

That is, in brief, the situation as I have understood it. I know people everywhere are having difficulty in getting sugar, but, in my judgment, there is at least enough sugar in this country so that the people do not have to be in want, as they are now in fact.

Mr. BORAH. If it were not for the speculators.

Mr. RANDELL. Will the Senator from Idaho yield to me?

Mr. BORAH. Certainly.

Mr. RANDELL. Mr. President, I want to say just a word in explanation about the situation in Louisiana. That State normally makes about 300,000 tons of sugar. This year it is going to make—I hope the Senator will give me his attention—

about 100,000 tons. We thought we would make about a 40 per cent crop when we began to harvest, but owing to the continued rains and very warm weather, which prevents the sugar cane from maturing, I am told by Judge MARTIN, who represents the sugar district where practically all the Louisiana sugar is made, that we will not get over a 25 per cent crop.

If it had not been for the understanding which the Louisiana sugar growers had with the Department of Justice, acting through the Federal district attorney in New Orleans, that the Louisiana crop might be sold at 17 cents per pound without fear of prosecution for profiteering, the Louisiana growers could have received a great deal more than 17 cents per pound. They were being offered more than 17 cents and were being begged to sell the sugar at more than 17 cents.

Mr. POMERENE. Mr. President—

Mr. RANDELL. I wish to make my statement, and then I will yield.

The Department of Justice, seeking to do everything possible to straighten out the situation and intending to prosecute all profiteers, had the conferences with representatives of the Louisiana growers, and acting through the Federal district attorney of New Orleans, with several former high officials of the Government aiding him, on the one side, and a number of Louisiana planters on the other, it was decided that if the sugar producer sold at not more than 17 cents per pound he would not be guilty of profiteering, owing to the very, very small production. That is the Louisiana situation.

As to the beet crop, we are informed that the beet producers made more than the normal crop this year; as to the Hawaiian crop, they made more than normal; as to the Porto Rican crop, they made more than normal; as to the Cuban crop, they made more than normal. This country consumes normally in the neighborhood of 4,000,000 tons of sugar per annum. We raise in the United States and our insular possession—Hawaii and Porto Rico—about 2,000,000 tons. Cuba raises normally about 4,000,000 tons, and this year is producing about 4,500,000.

So the United States, outside of her continental and insular possessions, which, as I said, will produce 2,000,000 tons, will have to purchase about 2,000,000 to 2,500,000 tons from Cuba. Unfortunately this year we are consuming so much more sugar than ever before—about 92 pounds per capita for every man, woman, and child in the United States as against 84 pounds heretofore. You can make the calculation yourselves. That means 8 pounds per capita more for 110,000,000 people. It is an immense additional consumption of sugar.

We have in the United States available for use, in round numbers, 2,000,000 tons, and that does not take in anything from the Philippine Islands, which produce about 150,000 tons. We have available the Porto Rican crop and the Hawaiian crop and the beet crop and the Louisiana crop. Then, of course, we have available what we can buy from Cuba. We ought to buy about 2,500,000 tons from Cuba.

What is going to happen to the balance of the Cuban crop? There is a big demand from all over the world for sugar. Germany, as we all know, used to make an immense quantity of it. Her production of sugar has been practically destroyed. Austria used to produce a great deal of sugar, but her production has been practically destroyed by the war. France made plenty of sugar for home use, but her production has been cut down tremendously.

So there is a considerable demand for sugar in Europe, and I rather think there will be more effort and more demand on the part of European nations to buy the surplus of the Cuban crop over and above what we need than there has been heretofore. But I agree with the Senator from Ohio [Mr. POMERENE] that there is plenty of sugar. There is no reason why the tremendous apparent sugar shortage should exist. We have always had to go to Cuba for some of our sugar, and there is a large amount there now available.

Mr. POMERENE. Will the Senator yield now for a question?

Mr. RANDELL. I yield.

Mr. POMERENE. My information from Ohio is that the beet sugar in that section can be sold at 10½ to 11 cents a pound for the refiner and at a very good profit. I want to confirm the statement made by the junior Senator from Utah [Mr. KIRK]. I have information corroborating what he has said as to the price of sugar in the far West. There is at least for the present a sufficient supply of beet sugar to meet all present demands in Ohio, Michigan, and that section of the country. Assuming that to be so, ought the public that consumes this sugar in Ohio, Michigan, and Indiana be required to pay the refiner either 17½ or 18 cents and give that exorbitant price to the refiners because, perhaps, unfortunately in another section of the country they had a partial failure of the crop and they can not make a profit out of that?

I would like to be just to all sections of the country if it is possible to be just to them, but I have not in mind now, at least, any plan whereby these prices can be fixed so that we can help the Louisiana producers make a large profit and not make an exorbitant profit for the beet-sugar people. Meanwhile the public is suffering for the want of sugar.

Mr. RANDELL. In answering the Senator I would say that he is a little mistaken in assuming that the Louisiana planter is going to make a big profit on sugar at 17 cents a pound. Unfortunately a great many of them are going to lose money and would lose a great deal even if they got 20 or 25 cents a pound. I do not know just what is the solution of the situation.

It seems to me it is one of the troubles we have inherited from the war. I do not think it would be fair to the consuming public of America for the beet-sugar producers to get more than a just and proper price for their product. I believe every producer of an agricultural commodity ought to get a just and proper profit on his enterprise, but I understand, as does the Senator from Ohio, that 10½ cents per pound would give the beet-sugar producers a good profit. I am under the impression that 10½ cents a pound would give the Porto Rican producer of cane sugar and the Hawaiian producer of cane sugar a good profit, and that price would certainly pay very handsomely the Cuban producer of sugar, after deducting the duty and the transportation charge to this country. But that price would not let the Louisiana people out whole.

Just what the remedy is I can not say unless we wish to do violence to all the laws of supply and demand and pass arbitrary provisions permitting the Sugar Equalization Board to buy all the sugar crops in this country, dish them out at a price which would give a fair profit to all concerned, and have the Nation stand the loss on the extra price that would have to be paid to the Louisiana producer in order to save him from loss.

That in substance is what was contemplated by the McNary bill, that the Sugar Equalization Board would purchase all the sugar from our own producers and such amount of the Cuban crop as would be necessary. They would then sell it to the consumers of this country at, I suppose, 10½ to 11 cents per pound. I think there was some talk about selling the small Louisiana crop, which is not one-fortieth this year of what is needed by the American consuming public—it is a very small amount—to the sweet-drink men and the candy people. It was said they would gladly buy all the Louisiana sugar without any losses to the Equalization Board. I think that might have been arranged, but Congress did not see fit to pass the legislation.

The Equalization Board insisted that they could do nothing practical and successful unless given the power of control, the power of license, the power of regulation. Congress is not prepared—and I do not think the Senator from Idaho [Mr. BORAH] or the Senator from Utah [Mr. SMITH] is prepared at this moment—to say that we should pass a law giving the power of license, regulation, and control to the Sugar Equalization Board, or to any other governmental agency, to interfere with the laws of supply and demand, to go into my place of business and tell me what I should do with it. These things were done during the war.

Mr. BORAH. If the law of supply and demand is going to be abrogated, I want it abrogated by the Government and not by profiteers.

Mr. RANDELL. I assure the Senator there is no profiteering in Louisiana.

Mr. BORAH. I am not picking out particular places, because I have not the information to do so, but as I have sat here and listened to the different experts upon the sugar question I have no doubt in the world but what there is profiteering.

Mr. RANDELL. I rather imagine there is some profiteering, but it is not by the Louisiana producers. I wish to say that I am now simply speaking for the men who produce sugar in Louisiana. They certainly are not profiteering in selling their crop at 17 cents per pound.

Mr. McNARY. Mr. President—

Mr. BORAH. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I entered the Chamber a few moments ago, and I observe that the discussion has been concerning the sugar situation. Some time in October last I proposed three different measures authorizing the Sugar Equalization Board to acquire all sugars of the crop of 1920. I simply desire to notify the Senate that to-morrow, during the morning hour, I propose to ask permission to take up for consideration the so-called sugar bill. The reason I do not do so to-day is because of the fact that there are only 45 minutes left of the morning hour during which that bill might be considered. I desire to say something on the situation as I view it and in reference to the hearings which have been had on the subject before the subcommittee of which I was chairman. I shall ask

the privilege to-morrow morning in the morning hour of having the bill taken up for final consideration.

Mr. POINDEXTER. Mr. President, I call for the regular order.

The VICE PRESIDENT. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act, reported it without amendment and submitted a report (No. 317) thereon.

Mr. SUTHERLAND, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1455) for the relief of John L. O'Mara (Rept. No. 319);

A bill (S. 2954) to remove the charge of desertion from the military record of Albert F. Smith, deceased (Rept. No. 320); and

A bill (S. 3152) for the relief of George W. Mellinger (Rept. No. 321).

Mr. MYERS, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1453) for the relief of Adolph F. Hitchler (Rept. No. 322); and

A bill (S. 1454) for the relief of John F. Kelly (Rept. No. 323).

He also, from the same committee, to which was referred the bill (S. 3176) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army, reported it with an amendment and submitted a report (No. 324) thereon.

Mr. NEW, from the Committee on Military Affairs, to which was referred the bill (S. 3348) to create a department of air, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States air force, creating the United States air reserve force, and providing for the development of civil and commercial aviation, reported it with amendments and submitted a report (No. 325) thereon.

CONFERENCE ON INTERNATIONAL COMMUNICATION.

Mr. LODGE. From the Committee on Foreign Relations I report back unanimously without amendment the bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication. I ask that it may have present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint, by and with the advice and consent of the Senate, representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

SEC. 2. That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State for expenses incidental to the conference, including personal services in the District of Columbia notwithstanding the provisions of any other act: *Provided*, That no part of said sum shall be used in entertainment or for the purchase of medals and badges.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I ask leave to have printed in the RECORD a letter from the Secretary of State, the message from the President of the United States on the subject, and the House report on the bill.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, December 3, 1919.

The Hon. HENRY CABOT LODGE,
United States Senate.

MY DEAR SENATOR: You will recall the message which was sent to the Congress by the President on September 10 relating to a proposed international conference for the consideration of all aspects of communication by land, sea, and air. The message

was printed as Senate Document 88 and was referred to the Committee on Foreign Relations. At your request a draft bill was later submitted to the Congress, and the House, on October 22, passed it with certain amendments.

I need hardly remind you of the very great importance and the extreme urgency of this matter. Because of the delicacy of the questions involved it is perhaps more difficult to go into them in a letter than it would be to discuss them with you personally or with the members of the Foreign Relations Committee. If there is any information which you desire and which I am able to furnish, I shall be most happy to see you or to appear before the committee for that purpose. If you desire more detailed and technical information than I am able to give, I will arrange to have the officials who have advised the Government on this matter appear before you at any time which may be convenient.

I am, my dear Mr. LODGE,

Very sincerely, yours,

ROBERT LANSING.

[Senate Document No. 88, Sixty-sixth Congress, first session.]

INTERNATIONAL TELEGRAPHIC CONFERENCE.

Message from the President of the United States, transmitting report from the Secretary of State with reference to the proposed international conference to be held in Washington, October, 1919, to consider all aspects of telegraphic communication by land, sea, and air.

To the Senate and House of Representatives:

In view of the provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so," I transmit herewith for the consideration of Congress and for its determination whether it will authorize the extension of the invitation, and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State with reference to the proposed international conference to be held in Washington during October next, or at such later date as may be convenient to the powers concerned, to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis.

WOODROW WILSON.

THE WHITE HOUSE,
September 10, 1919.

THE PRESIDENT:

During the course of the discussions in the council of five, regarding the disposition to be made of German cables, the following agreement was reached:

"The principal and allied and associated powers shall as soon as possible arrange for the convoking of an international congress to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis."

I learn that the four principal allies, namely, Great Britain, France, Italy, and Japan, have accepted, in principle, the suggestion to meet in Washington during October next, or at such later date as may be convenient to them, for the purpose of making a study of the entire communications problem in all its aspects, which would include a consideration of the broader activities of the international telegraph and radiotelegraph unions of the interallied radio commission. I am convinced that the proposed conference offers a rare opportunity not only to provide the entire world with adequate facilities of this nature on a fair and equitable basis, but to promote world peace, mutual understanding and fellowship arising from a communications system free from special privileges and placing each part of the world in immediate contact with every other part.

The Executive being prohibited by a provision of the deficiency act approved March 4, 1913, from extending an invitation of this nature without specific authority of law, I have the honor to request that, should you approve, this matter be laid before Congress for its decision as to whether it will authorize the extension of the formal invitation and will provide the appropriation of \$75,000, which it is thought will be required for United States representation in this international conference.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, September 4, 1919.

[House of Representatives, Report No. 387, Sixty-sixth Congress, first session.]

CONFERENCE ON INTERNATIONAL COMMUNICATION.

Mr. ROGERS, from the Committee on Foreign Affairs, submitted the following report to accompany H. R. 9822:

The Committee on Foreign Affairs, to which was referred the bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication, reports it back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The amendment is as follows:

Page 1, line 6, after the word "appoint," insert "by and with the advice and consent of the Senate."

Your committee, in considering this bill, has heard the testimony of the Secretary of State and of Mr. Walter S. Rogers, who was special adviser to the peace commission at Paris on matters relating to international communication.

The general question of international communication was raised at a meeting of the supreme war council in Paris early in March last, in connection with the German submarine cables which had been taken over by Great Britain and France. The problem of the disposition of these cables was left to a special committee, which later made a report to the council of ten, consisting of the heads of state and ministers of foreign affairs of the five principal powers. In the course of the discussion it was suggested that there should be world arrangements made for the regulation of submarine cables.

It developed that there was no unanimity of opinion on the part of international lawyers and jurists as to the rights of property in submarine cables in times of war. There were two cables connecting Germany with the United States. Both of these cables were from Emden to the Azores and from the Azores to New York. Both were cut in the English Channel, and later one was diverted into Lands End, England, and the end of the cable going into New York was cut and diverted to Halifax. This gave the British an additional cable from Lands End to the Azores and from the Azores to Halifax. The European end of the other cable was diverted into Brest, France. This gave the French an additional cable from Brest to the Azores and from the Azores to New York. A more extreme case was presented by the cable from Liberia to Brazil. Both ends of this cable were in countries at war with Germany, and the cable was the only means of communication between parts of South America and Africa; yet because the cable in question was owned by a German company the Allies cut it and severed all means of communication previously utilized by means of the cable. The United States had seriously objected to the diversion to Canada of the German cable across the Atlantic by the British authorities, but owing to the lack of international law or agreement on the subject no redress was obtained. It may be said parenthetically at this point that Great Britain is the great world owner of submarine cables. France possesses some and the United States possesses some. Germany, until the war, was also the owner of several. Under these circumstances the internationalization of cables will, presumably, be to the advantage of the United States, and the American Government favored this step at Paris. At a later meeting of the council of five, held on April 30 last, during a discussion as to the disposition of the German submarine cables, Mr. Balfour, representing Great Britain, said that his country had no desire to monopolize the cables of the world and that all were in agreement that the multiplication of cables was beneficial to all. The outcome of the discussion was a proposal to negotiate an international convention upon the use of submarine cables and upon the rights of property therein in peace and war.

The arrangement was formulated by the council of five in the following words:

"The principal and allied and associated powers shall as soon as possible arrange for the convoking of an international congress to consider all international aspects for communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned, with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis."

The four principal allies, Great Britain, France, Italy, and Japan, have accepted in principle the suggestion that if an invitation is extended by the United States in the near future for the purpose of making a study of the entire communications problem in all its aspects, that invitation will be accepted by them.

The deficiency act, approved March 4, 1913, provides:

"Hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so."

In order to obtain the necessary sanction, the President of the United States and Secretary Lansing have requested Congress to enact the present bill. Their recommendations are printed as an annex to this report. It was originally planned to hold the conference in question in Washington during the present month. For various reasons—one of which was the fact that the legislative authority was lacking—the conference can not be held as early as thus planned. It is believed, however, that if it is to be held at all, it is desirable that as early a date as possible be fixed. Consequently your committee recommends action upon this measure as promptly as convenient.

Your committee believes that it will be of great importance and advantage to the United States if, through the medium of some such conference as above projected, the question of international communication can be considered and disposed of and an international agreement or convention arrived at.

It will be remembered that the United States was the first to propose the International Postal Union, which has been in most beneficent operation for many years. In the opinion of your committee, the tendering of an invitation to the other powers to inaugurate plans for an international agreement affecting other means of international communication will be equally beneficent not merely to the United States, but to the entire civilized world. Your committee, therefore, recommends that the necessary authority be granted the President, and that an appropriation of \$75,000 be made for expenses incidental to the conference. It is not possible at this time to indicate whether or not \$75,000 is the requisite amount of money. It is, for example, not possible to forecast the length of the sessions of such a conference. They may continue for one month or three months. Obviously the expenses will depend very largely upon the duration of the meetings.

The Secretary of State, in a letter which is appended to this report, states that the delegates representing the United States at the telegraphic conference will probably receive no compensation, certainly not in any large amount. On the other hand, it will probably be necessary to pay compensation to technical experts and it will be expected that the expenses of delegates and experts should be paid. The number of delegates and experts will depend entirely upon the scope of the conference as it may be agreed upon by the participating Governments or limited by Congress itself. If, for example, its labors be confined to communication by submarine cable, the need of experts would be limited accordingly, but if the subject of radio telegraphy and telephony should be included, the number of technical experts and advisers, as well as of clerks and other employees, would necessarily be greatly increased. Then, too, there is the matter of preparation for the conference after a program shall have been adopted. It is known that at least one great Government has already a commission at work studying the whole subject of communication. As soon as Congress shall have authorized the holding of a conference, it will be necessary for the United States to organize a commission of the best-known experts of the Government to make immediate technical studies and collect and coordinate information for the use of the American delegates when appointed. This preliminary work will be of the utmost importance to the proper protection of American interests at the conference and will require the expenditure of a considerable sum of money for clerical assistants, printing, separate quarters, and compensation of experts.

As a slight guide to the expenses entailed by the holding of this type of conference, there are quoted herewith a summary of the expenses of the Fifteenth International Congress of Hygiene and Demography (held in Washington in 1912), and of the United States section of the International High Commission, 1916-1918:

Summary of expenses of the Fifteenth International Congress of Hygiene and Demography (held in Washington in 1912).

1. Personal services.....	\$27,426.87
2. Postage and stationery, office supplies, miscellaneous.....	7,370.00
3. Advance printing.....	13,200.00
4. Exhibition, entertainment, medals, and badges.....	18,850.00
5. Post-adjournment transactions.....	23,000.00
6. Already expended for secretary general and preliminary work.....	15,770.61

105,607.28

Table showing disposition of the appropriation made for the United States section of the International High Commission in the act approved Feb. 7, 1916 (\$40,000), available Feb. 16, 1916, to Sept. 30, 1918.

Statement showing disposition of appropriation of \$40,000 from Feb. 16, 1916, to Sept. 30, 1918 (a period of 31½ months):

Appropriation	\$40,000.00
Salaries	\$23,453.32
Printing and stationery	3,744.74
Telegraph and telephone	1,466.97
Furniture and equipment	677.53
Books and newspapers	76.83
South American trip of United States section and staff (April, 1916)	8,668.73
Domestic travel of members and staff, United States section	1,570.97
Total expenditure	39,659.09
Balance unexpended	340.91

Your committee thinks further that the holding of this conference is desirable from the standpoint of the United States whether or not the treaty of peace, now pending before the United States Senate, is adopted either as submitted or in a modified form. Your committee, therefore, sees no reason (this question being, in its view, an independent one) for deferring the authority carried in this bill until after final action by the Senate upon the treaty of peace.

For the foregoing reasons your committee recommends early favorable action upon the bill.

So much for the history, occasion, and purposes of the conference.

The majority of the committee understands that the dissent of the minority is based not upon any opposition to the conference itself but solely upon the amendment to the bill stipulating that the representatives to the conference on the part of the United States shall be confirmed by the Senate. The suggestion will perhaps be made that in some way this involves an element of discourtesy to the President. Nothing can be further from the fact, as an examination of the precedents clearly shows.

One of the purposes of the proposed conference, and certainly the most important purpose, will be to draft some form of international treaty or agreement to which the several Governments participating will be invited to adhere. During Secretary Lansing's testimony concerning the conference the following colloquy occurred:

"Mr. TEMPLE. The questions to be taken up at that conference are such as would be put into an international agreement, like treaties?"

"Secretary LANSING. Yes, sir."

Mr. Walter S. Rogers testified to much the same effect. (See p. 20 of his testimony.)

It is true that Secretary Lansing subsequently stated in a letter to the acting chairman of the Committee on Foreign Affairs that "it is not the purpose to have the delegates to the international telegraphic conference negotiate a treaty." Nevertheless it seems from the testimony of Secretary Lansing and others that the conference will fall short of its full measure of usefulness if it does not undertake to draw up, at least in a preliminary way, the basis for an international convention of some kind. And, as above stated, the testimony before the committee indicates that such an agreement, whether formal or informal, may be expected and hoped for as a result of the conference. Hence, whether or not the representatives of the United States are or are not technically commissioners to negotiate a treaty, the fact remains that their wisdom and foresight may go far toward establishing the permanent policy which the United States will maintain toward the other great powers of the world in this most important sphere of international relations. This being so, it is perhaps of secondary consequence whether the representatives of the United States may actually negotiate a treaty. The important fact is to recognize the magnitude and gravity of their problems and to insure, so far as possible, that the ablest and most experienced men available in the United States shall be called upon to represent this country.

But perhaps the gentlemen who deny the propriety of requiring confirmation by the Senate in this connection will point out the undoubted fact that even commissioners explicitly appointed and empowered to negotiate a treaty have not uniformly or even in the majority of cases been confirmed by the Senate. Whatever the method has been in the majority of such appointments in our history, there is a very numerous and respectable number of precedents for the method of appointment recommended in this instance.

In his message to the Senate January 11, 1792, President Washington nominated William Carmichael and William Short as commissioners to negotiate a treaty with the Spanish Government for the navigation of the Mississippi River.

In communicating May 31, 1797, to the Senate for confirmation the nomination of C. C. Pinckney, Francis Dana, and John

Marshall as envoys extraordinary and ministers plenipotentiary to the French Republic, President Adams explained, in general terms, that they were appointed to "negotiate with the French Republic to dissipate umbrages, to remove prejudices, to rectify errors, and adjust all differences by a treaty between the two powers." The Senate on June 5 confirmed the nominations, and, on June 22, the substitution of Elbridge Gerry for Francis Dana. When negotiations were reopened in 1799 the Senate was called upon to confirm the new nominations. President Jefferson submitted to the Senate January 11, 1803, for confirmation the nominations of James Monroe and Robert R. Livingston as commissioners with full powers to enter into a treaty with the First Consul of France for the purpose of enlarging and more effectually securing our rights and interests in the River Mississippi and in the Territories eastward thereof. The nominations of J. Q. Adams, James A. Bayard, Henry Clay, and Jonathan Russell were advised and consented to by the Senate on January 16, 1814, and that of Albert Gallatin, who had been previously rejected on the grounds that the duties of an envoy were incompatible with those of the Secretary of the Treasury, on February 9, as ministers plenipotentiary and envoys extraordinary to negotiate and sign a treaty of peace and a treaty of commerce with Great Britain.

For other early cases of confirmations by the Senate of special commissioners appointed to negotiate treaties, see Executive Journal I, pages 265, 310, 311, 432, 440; II, pages 25, 29.

TREATY OF GHENT, DECEMBER 24, 1814.

WAR OF 1812.

On April 17, 1813, President Madison, having accepted the offer of the Russian Government to mediate between the United States and Great Britain, appointed Albert Gallatin, James A. Bayard, and John Quincy Adams as envoys extraordinary and ministers plenipotentiary to negotiate a treaty of peace with Great Britain. On May 29, 1813, Madison sent these nominations to the Senate for confirmation. A debate immediately arose as to whether the functions of the Secretary of the Treasury, which office Gallatin was then holding, were compatible with those of envoy extraordinary. On July 19, 1813, the Senate confirmed the nominations of Bayard and Adams, but by the close vote of 18 to 17 rejected the nomination of Gallatin. The British Government now refused to accept the offer of Russian mediation, and instead offered to treat directly with the United States. This offer President Madison hastened to accept, and on January 14, 1814, he nominated John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell as the new commissioners to negotiate directly with Great Britain. Four days later, January 18, 1814, with but little opposition in the Senate, these nominations were confirmed. On February 9, 1814, Gallatin was once more nominated by President Madison as one of the envoys to negotiate the treaty of peace with Great Britain, and on this occasion his appointment was promptly confirmed by the Senate. On December 24, 1814, the treaty was signed at Ghent, and on February 16, 1815, it was unanimously ratified by the Senate.

In 1826 President John Quincy Adams nominated Richard C. Anderson and John Sergeant as envoys extraordinary and ministers plenipotentiary to the assembly of American nations at Panama. Their power and duty were to conclude treaties of peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and all other matter interesting to the American nations with the ministers of that assembly from all or any of the nations of America. These nominations were sent by the President to the Senate and were duly confirmed. Mr. Anderson died the following year, and his successor, Joel R. Poinsett, was similarly nominated by the President and confirmed by the Senate.

On February 9, 1871, President Grant sent the following message to the Senate with relation to the appointment of commissioners to consider the Alabama claims:

"The British minister accredited to this Government recently, in compliance with instructions from his Government, submitted a proposal for the appointment of a joint high commission, to be composed of members to be named by each Government, to hold its session at Washington and to treat and discuss the mode of settling the different questions which have arisen out of the fisheries, as well as those which affect the relations of the United States toward the British possessions in North America. I did not deem it expedient to agree to the proposal unless the consideration of the questions growing out of the acts committed by the vessels which have given rise to the claims known as the Alabama claims were to be within the subject of discussion and settlement by the commission. The British Government having assented to this, the commission is expected shortly to meet. I

therefore nominate as such commissioners, jointly and separately, on the part of the United States:

"Hamilton Fish, Secretary of State.

"Robert C. Schenck, envoy extraordinary and minister plenipotentiary to Great Britain.

"Samuel Nelson, an associate justice of the Supreme Court of the United States.

"Ebenezer Hoar, of Massachusetts.

"George H. Williams, of Oregon.

"I communicate herewith the correspondence which has passed on this subject between the Secretary of State and the British minister."

The following day the Senate confirmed all five nominations.

In 1880 President Hayes nominated James B. Angell, John F. Swift, and William Henry Trescott as commissioners plenipotentiary to conclude a treaty with China for the "settlement of such matters of interest as are now pending before the two Governments." These nominations were sent to the Senate and in due course confirmed.

It should be noted that in most of the foregoing instances the President and the Senate were, at the time, of the same political party. The consideration which led to the submission to the Senate could scarcely have reflected any partisan point of view. The submission must have resulted from the feeling that in so important matters as those pending the President would naturally welcome the advice and approval of the Senate. The majority of your committee thinks that precisely the same conditions exist in the present instance. It is true that in the majority of cases the nominations of the President have not been presented to the Senate. But this circumstance in no way alters the significance of the precedents cited, some of which involved the most crucial questions in our history, some of which involved, on the contrary, matters of relatively minor consequence.

Article 2, section 2, of the Constitution of the United States provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Members of the House are familiar with the vast number of appointments, many of them to minor and inconsequential offices, which must nevertheless be confirmed by the Senate. By Revised Statutes, section 3830, for example, every postmaster of the first, second, and third class "shall be appointed and may be removed by the President, by and with the advice and consent of the Senate." Indeed, the foregoing language of the Constitution itself points out that appointments by the Executive alone—without the concurrence of the Senate—should be limited to "inferior officers" only. The majority of the committee is unwilling to belittle the representatives to the forthcoming international conference by regarding them as "inferior officers."

An additional reason for requiring confirmation in the case of representatives to future international conferences seems to result from the already quoted provisions of the deficiency act of 1913 requiring that thereafter all such conferences should be held only in the event that specific authority had been granted by Congress. If Congress deemed it important thenceforward to authorize the mere holding of a conference, it would seem natural and logical that Congress should all the more interest itself in the personnel of the Members who were to represent the United States at the conference.

To the Senate and House of Representatives:

In view of the provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so," I transmit herewith for the consideration of Congress and for its determination whether it will authorize the extension of the invitation, and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State with reference to the proposed international conference to be held in Washington during October next, or at such later date as may be convenient to the powers concerned, to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy and to make recommendations to the powers concerned with a view to

providing the entire world with adequate facilities of this nature on a fair and equitable basis.

WOODROW WILSON.

THE WHITE HOUSE,

September 10, 1919.

THE PRESIDENT:

During the course of the discussions in the Council of Five, regarding the disposition to be made of German cables, the following agreement was reached:

"The principal and allied and associated powers shall as soon as possible arrange for the convoking of an international congress to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis."

I learn that the four principal allies, namely, Great Britain, France, Italy, and Japan, have accepted, in principle, the suggestion to meet in Washington during October next, or at such later date as may be convenient to them, for the purpose of making a study of the entire communications problem in all its aspects, which would include a consideration of the broader activities of the international telegraph and radiotelegraph unions of the interallied radio commission. I am convinced that the proposed conference offers a rare opportunity not only to provide the entire world with adequate facilities of this nature on a fair and equitable basis, but to promote world peace, mutual understanding, and fellowship arising from a communications system free from special privileges and placing each part of the world in immediate contact with every other part.

The Executive being prohibited by a provision of the deficiency act approved March 4, 1913, from extending an invitation of this nature without specific authority of law, I have the honor to request that, should you approve, this matter be laid before Congress for its decision as to whether it will authorize the extension of the formal invitation and will provide the appropriation of \$75,000, which it is thought will be required for United States representation in this international conference.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,

Washington, September 4, 1919.

DEPARTMENT OF STATE,

Washington.

MY DEAR MR. ROGERS: In reply to your oral request for an itemized estimate of the expenditures contemplated from the appropriation of \$75,000 which I have recommended for the expenses of the proposed international telegraphic conference to be held in Washington in the near future, I take pleasure in inclosing, for the information of the committee, itemized lists of the expenses of two similar conferences, which may afford the committee some assistance.

There has, so far, been no meeting of the representatives of the Governments interested for the preparation of a program for the international telegraphic conference for the very obvious reason that there is as yet no legislative authorization for the holding of the conference. Therefore it is not possible to outline with any definiteness the manner in which the appropriation estimated is to be expended.

In a general way it is believed that the expenses of the Fifteenth International Congress of Hygiene and Demography and those of the United States section of the International High Commission, inclosed, may afford the committee a fairly accurate guide as to the manner in which the proposed \$75,000 appropriation would be expended. It is not likely, however, that the delegates representing the United States at the telegraphic conference will be paid compensation, certainly not in any large amount, but it will be necessary, in all probability, to pay compensation to the technical experts, and it would naturally be expected that the expenses of delegates and experts should be paid. The number of delegates and experts will depend entirely upon the scope of the conference as it may be agreed upon by the participating Governments or limited by Congress itself. If, for example, its labors be confined to communication by submarine cable, the need of experts would be limited accordingly; but if the subject of radio telegraphy and telephony should be included, the number of technical experts and advisers would have to be greatly increased, as well as the number of clerks and other employees.

Then, too, there is the matter of preparation for the conference after a program shall have been adopted. It is known, for example, that at least one great Government has already a

commission at work studying the whole subject of communications. As soon as Congress shall have authorized the holding of a conference, it will be necessary for the United States to organize a commission of the best known experts of the Government to make important technical studies and collect and coordinate information for the use of the American delegates when appointed. This preliminary work will be of the utmost importance to the proper protection of American interests at the conference and will require an expenditure of a considerable amount of money for clerical assistance, printing, possibly separate quarters, and perhaps compensation of experts.

With reference to your inquiry as to whether delegates should be confirmed by the Senate, I would suggest that it is not customary to stipulate that delegates to the conference shall be appointed with the advice and consent of the Senate, and I think it would be wise to omit that stipulation. Even if we expected to negotiate a treaty, it would not, in my opinion, be customary or desirable that the delegates should be appointed by and with the advice and consent of the Senate, but it is not the purpose to have the delegates to the International Telegraphic Conference negotiate a treaty, but rather, by a consideration of the subjects of communications in all its phases in relation to the views held by other Governments, to develop a basis upon which negotiations for an international convention may be undertaken by the regularly constituted agencies of the Government, provided the international regulation of communications shall ultimately be deemed desirable and practicable.

I hope the foregoing may prove, in substance, a satisfactory answer to your inquiry, and that the committee may find it practicable to recommend the appropriation in accordance with the estimate. I am, my dear Mr. ROGERS,

Very sincerely, yours,

ROBERT LANSING.

HON. JOHN JACOB ROGERS,
Chairman Committee on Foreign Affairs,
House of Representatives.

INCREASE OF PAY OF OFFICERS AND ENLISTED MEN.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service, and I submit a report (No. 318) thereon.

This bill increases the pay of officers and enlisted men of all five of the services recited in the title. It may be said, probably with justice, that the Committee on Military Affairs invaded the jurisdiction of the Committee on Naval Affairs and the Committee on Appropriations, which ordinarily would have jurisdiction over any legislation affecting the pay of the Navy and the pay of the Coast Guard and the Public Health Service. We have taken this action after consulting with several members of the Naval Affairs Committee and of the Committee on Appropriations. We have done it primarily in order that there shall be embodied in one bill one system for increasing the pay of all these services. I invite the attention of Senators who are members of the Naval Affairs Committee and of the Appropriations Committee to the provisions of the bill and to the report which accompanies it, which will be printed, and which I will see is distributed to Members by to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

AMENDMENT OF COPYRIGHT LAW.

Mr. NORRIS. From the Committee on Patents I report back favorably without amendment the bill (H. R. 3754) to amend sections 8 and 21 of the copyright act, approved March 4, 1909, and I submit a report (No. 326) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let the bill first be read, Mr. President, in order that we may understand what it is.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That sections 8 and 21 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, be amended to read as follows:

"Sec. 8. That the author or proprietor of any work made the subject of copyright by this act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this act: *Provided, however,* That the copyright secured by this act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign State or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or
"(b) When the foreign State or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copy-

right on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

"The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require: *Provided, however,* That all works made the subject of copyright by the laws of the United States first produced or published abroad after August 1, 1914, and before the date of the President's proclamation of peace, of which the authors or proprietors are citizens or subjects of any foreign State or nation granting similar protection for works by citizens of the United States, the existence of which shall be determined by a copyright proclamation issued by the President of the United States, shall be entitled to the protection conferred by the copyright laws of the United States from and after the accomplishment, before the expiration of 15 months after the date of the President's proclamation of peace, of the conditions and formalities prescribed with respect to such works by the copyright laws of the United States: *Provided further,* That nothing herein contained shall be construed to deprive any person of any right which he may have acquired by the republication of such foreign work in the United States prior to the approval of this act.

"Sec. 21. That in the case of a book first published abroad in the English language on or after the date of the President's proclamation of peace, the deposit in the copyright office, not later than 60 days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this act, and shall endure until the expiration of four months after such deposit in the copyright office."

Mr. SMOOT. Mr. President, I will say to the Senator from Nebraska that it is next to impossible to entirely understand the meaning of the bill without having the law which it seeks to amend before us. I will, therefore, ask the Senator briefly to explain just what changes in the copyright act of 1909 are provided for in the bill.

Mr. NORRIS. As I understand the only change is contained in the provisos. During the war, because of the interference with commerce and transportation, it has been a physical impossibility for authors, particularly those of England and America, to comply with the copyright laws of the two countries and to copyright their works in both countries.

In the trading-with-the-enemy act we made provision for copyrights in the case of citizens of enemy countries during the war, so that at present authors in Germany and Austria have advantages over authors in the allied countries.

This bill merely extends the time within which authors may comply with the law. For instance, it gives an American author time to get his work to England and to comply with the English law, and the British author is given the same privilege here.

Mr. SMOOT. Then the bill affects only the copyrighting of books and periodicals from August, 1914, up to the date of the passage of the bill?

Mr. NORRIS. Yes. While I am not an expert and, therefore, am not familiar with the copyright laws, I do not think there can be any possible doubt about the necessity and advisability of passing this proposed law. I think that will be made entirely clear if the Senator from Utah will read the communications which have been received from the Secretary of State, from the registrar of copyrights, and also from the Librarian of Congress.

Mr. SMOOT. I think the Senator's explanation of the bill is entirely satisfactory, and that the bill ought to be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 3497) to amend section 858 of the Revised Statutes, relating to the exclusion of witnesses in the courts of the United States; to the Committee on the Judiciary.

By Mr. McKELLAR:

A bill (S. 3498) for the relief of Thomas J. Hunt, surviving partner of Mosby & Hunt (with accompanying papers); to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 3499) to retain in military service partially disabled men and officers able to perform certain classes of work; to the Committee on Military Affairs.

A bill (S. 3500) granting a pension to Joel F. Hampton; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3501) to correct the military record of Second Lieut. Van Buren S. Reber; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 3502) defining certain offenses committed by drivers of and persons in control of motor vehicles in the District of Columbia, and providing for the punishment of such offenses, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 3503) granting a pension to Susetta Noyes (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3504) granting an increase of pension to George W. James; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3505) for the relief of Charles E. Reyburn; to the Committee on Post Offices and Post Roads.

By Mr. LODGE:

A joint resolution (S. J. Res. 131) making immediately available the appropriation for the expenses of regulating further the entry of aliens into the United States; to the Committee on Foreign Relations.

ENFORCEMENT OF PEACE TERMS UPON GERMANY.

Mr. KING. I introduce a joint resolution, and ask that it may be read and referred to the Committee on Military Affairs.

The joint resolution (S. J. Res. 132) authorizing the President of the United States to employ the armed forces of the United States in conjunction with the forces of the allied and associated powers for the enforcement of the terms of peace accepted by Germany was read the first time by its title and the second time at length, as follows:

Whereas the present Government of Germany is manifesting bad faith with respect to the execution of the terms of peace accepted by Germany, which condition may require the enforcement of such terms by military measures which should properly be taken by the allied and associated powers in concert, according to the recommendations of the supreme council at Paris: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, as Commander in Chief of the Army and Navy, is hereby authorized to employ the armed military, naval, and aerial forces of the United States in conjunction with the forces of the allied and associated powers in any cooperative or joint measures which may be undertaken for the military enforcement of the terms of peace accepted by Germany.

The VICE PRESIDENT. Does the Senator desire the joint resolution to be referred to the Committee on Military Affairs?

Mr. KING. I think that is the proper committee.

The VICE PRESIDENT. The Chair is of the opinion that it ought to go to the Committee on Foreign Relations.

Mr. KING. I have no objection whatever to that course being pursued.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. THOMAS. Mr. President, I wish to inquire of the Senator introducing the joint resolution by what rule of consistency the United States can be asked to enforce upon Germany the recognition and performance of a treaty which we ourselves have rejected?

Mr. KING. That may be the subject of consideration later.

The VICE PRESIDENT. Let us not go into that now. Let us close the morning hour. If there are no further bills or joint resolutions, concurrent and other resolutions are in order.

TREATY BETWEEN GREAT BRITAIN AND PERSIA.

Mr. BORAH. I offer a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 248) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate, if not incompatible with the public interest, a copy of all correspondence between the Governments of the United States and of Great Britain relative to the treaty negotiated between Great Britain and Persia during and about the time the treaty with Germany was being negotiated at Versailles.

WAR RISK BUREAU CLAIMS.

Mr. POINDEXTER. I offer the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 249) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Director of the Bureau of War Risk Insurance is directed to inform the Senate whether or not claims for compensation for total or partial disability under the war-risk act are promptly disposed of and acted upon by said bureau; and if not, what is the cause of the delay therein? The said director is also directed to inform

the Senate in general the status of the work of said office, with reference to the disposition of claims pending therein, and if said work is not being conducted so as to act promptly upon claims as presented currently to inform the Senate the causes of said delay.

Also, the said director is directed to inform the Senate the nature of the administrative organization in the said War Risk Bureau for deciding upon the allowance or rejection of claims of soldiers for disability on account of sickness, wounds, or other injuries received in line of duty; the rules and regulations adopted by the said bureau for the determination of the amounts due to such claimants under the law; and whether or not the law is being administered liberally to accomplish the purposes and objects for which it was intended or whether it is being strictly construed by the said bureau with the object and purpose of reducing to the lowest possible limit the liability of the Government thereunder.

LIMIT OF APPROPRIATIONS.

Mr. KING. I offer a resolution, which I ask to have read and lie on the table.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 250) was read and ordered to lie on the table, as follows:

Resolved, That in the preparation of the appropriation bills for the fiscal year ending June 30, 1921, it is the sense of the Senate that the committees of Congress having in charge preparation of such bills should limit the amount of appropriations to the gross amount of not more than \$3,000,000,000.

PERSONNEL OF EXECUTIVE DEPARTMENTS.

Mr. KING. I offer the resolution which I send to the desk, and I ask that it lie on the table for the present.

The resolution (S. Res. 251) was ordered to lie on the table and be printed, as follows:

Whereas the extraordinary expansion of the personnel of the various executive departments made necessary by the extraordinary services required during the prosecution of the war against Germany has fulfilled its purpose and the need for the services of numerous employees has ceased: Therefore be it

Resolved, That it is the sense of the Senate that the various executive departments in the city of Washington should forthwith dispense with and discontinue the services of at least 40,000 clerks and employees presently upon the rolls of such departments.

Mr. KING. I offer the following resolution and ask that it lie on the table.

The resolution (S. Res. 253) was ordered to lie on the table and be printed, as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor are hereby severally directed to ascertain and report to the Senate the names of all persons having official positions in their several departments who are authorized to exercise or do exercise any supervision over or direction of other employees and who are members of or affiliated with any labor union affiliated with the so-called American Federation of Labor or organized independent thereof, as the case may be.

REPORT OF COUNCIL OF NATIONAL DEFENSE.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs:

To the Senate and House of Representatives:

In compliance with the provisions of section 2 of the act of Congress approved August 29, 1916, making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes, I transmit herewith the Third Annual Report of the Council of National Defense for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE,

8 December, 1919.

HOUSE BILL REFERRED.

H. R. 9755, an act to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was read twice by its title and referred to the Committee on Standards, Weights, and Measures.

AMENDMENT OF FEDERAL RESERVE ACT—CONFERENCE REPORT.

Mr. EDGE. Mr. President, I ask the indulgence of the Senate for just a brief moment. The chairman of the Committee on Banking and Currency, the Senator from Connecticut [Mr. McLEAN], is not at present in the Chamber, but I know that it had been his intention at this time to address the Senate briefly on the subject of the conference report on the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

I am not going to ask the Senate to consider the conference report at this time, but I do desire to leave this thought in the minds of Senators, and I think the importance of the measure justifies the very few moments that I shall take of the Senate's time.

Last week when the conference report was brought up for consideration the question arose as to the feeling and wishes of the Senator from North Dakota [Mr. GRONNA], who had been active in the Senate when the bill was before the Senate for discussion. The bill finally passed the Senate unanimously, went to the House, and passed the House with various amendments. It then went to conference; the conferees have now unanimously reported the bill; and the conference report likewise has been unanimously concurred in by the other House.

I thoroughly appreciate the ethics and courtesies of the Senate—it is unnecessary for me to make that statement, I am sure—and having been the sponsor for the bill, I want every courtesy to be shown the Senator from North Dakota. However—and I am sure the Senator from Utah will bear me out in my statement, for he discussed the matter briefly last week—when the question of the future action of the Senate on the conference report was taken up, I think on Thursday last, we waited for a day with the idea that the Senator from North Dakota should be apprised of the facts and in order that we might obtain his viewpoint. He replied by telegram—which was referred to in the debate on Friday last, as reference to the Record of that day will show—that his desire was that the conference report should be returned to the committee of conference. He expressed no desire in that telegram, as I recall—and I think I am correct—that we should await his return, but said that he should like to see the report returned to conference. On that question I would be more than delighted to have the Senate pass, for I have no desire whatever to deny any opportunity for the consideration of a question of that character, which, of course, must be left to the Senate's judgment. Rather I am anxious to secure action. Frankly, I think the Senator from North Dakota should be congratulated in that he expressed his opinion and did not ask the Senate of the United States to await his return. I understand, however, from the Senator from Connecticut [Mr. McLEAN] that since then the Senator from North Dakota has wired that he expected to be here in a few days and would appreciate it if the Senate of the United States would await his return.

Of course, the only question which can be considered, as I understand the procedure, is the question whether the conference report shall be agreed to or whether it shall be referred back to the committee on conference. That is the only question that can arise in connection with the conference report, whether the Senator from North Dakota is here or otherwise. As I said in prefacing my remarks, I am not going to press the question this morning, but it does seem to me, in a matter affecting the business of this great country and of this body, that it is rather an unusual thing to wait 10 days on the personal convenience of any Senator, when the question can only be the one question which I have announced, namely, as to whether or not the report shall be agreed to or whether it shall go back to conference.

I should unquestionably object to its going back to conference, because, as I understand, there is only one question at issue at all, and that question I am fully prepared to discuss, but will not take the time of the Senate to discuss it now. I want, however, to leave this thought in the minds of the Senate; and I think it is extremely important. I appreciate the great importance of the railroad measure, and the country is awaiting to-day the official policy settled as to the future of railroad control and management; but I do not think, perhaps, in the midst of that discussion that we have appreciated fully the great importance of financing the ten billion dollar annual turnover of this country represented in exportations. Certainly every legislator knows and every business man knows that the condition of exchange as against this country is worse than it has ever been in the history of the world, with the pound sterling selling, according to the latest reports, at \$3.87½, practically \$1 under the average exchange of 4.86, or thereabouts, which, of course, is the normal rate. We can not sell American goods except where it is absolutely essential and imperative for foreign nations to buy them from us, when, because of the difference in exchange, they are compelled to pay to us from 25 to 100 per cent excess and more in order to pay for the goods. So there is not a question to-day of more importance for this body to settle and dispose of than to try to prepare the machinery—and this bill is designed to do that—so that we can, by taking over foreign securities and handling them in a banking manner, help to solve this great problem.

Our national prosperity unquestionably depends upon a condition of national contentment, and national contentment depends to a great extent upon production. You can not increase production, you can not stimulate production, if you are going to narrow the markets. We have a merchant marine to-day of

thirteen hundred and odd ships. The whole purpose and thought back of the merchant marine when we spent hundreds of millions of dollars upon it—and we are now asked in the present budget to appropriate another half billion dollars for it—the only thought back of the merchant marine, of course, was to carry the goods of the American farmers and the American manufacturers to all parts of the world.

We have in the country a condition of social unrest and labor unrest which is more or less influenced by the conditions of production and employment, and we should not consume the time of the Senate on quibbles, on questions of detail concerning this measure, when it is so important to the future prosperity of the country to stabilize financial conditions.

Mr. McLEAN. Is the Senator referring to Senate bill 2472?

Mr. EDGE. Yes, sir.

Mr. McLEAN. I wish to say that on Friday last I gave notice that on Monday I would ask the Senate to consider the conference report, but on Saturday I received a telegram from the Senator from North Dakota [Mr. GRONNA] requesting that the report be withheld until his return to Washington some day this week. Under the circumstances, I felt that courtesy ought to be extended to the Senator from North Dakota, as he is deeply interested in this matter; but I sincerely hope that as soon as he returns the Senate will take immediate action upon the conference report, for its importance can not be minimized.

Mr. KING. Mr. President, will the Senator yield?

Mr. EDGE. I yield to the Senator from Utah.

Mr. KING. Perhaps the question I am about to ask is not a very fair one. I entirely agree with the Senator from New Jersey and think that the measure ought to be passed; we want to stimulate our export trade; but does not the Senator think that the argument which he is making will not commend itself to the extreme protectionists? Is not the disparity in exchange in harmony with the protectionist theory, in that it serves as a tariff barrier, and we do not need to pass any tariff legislation to keep out cheap products from abroad?

Mr. EDGE. I shall be glad to discuss the question of the tariff with the Senator from Utah at any time. I see its relationship perfectly clearly, but Europe can not import in great quantities until it is rehabilitated. But just a brief word in conclusion. This measure and its immediate importance certainly must appeal to the American Senate, as I am sure it does to the American people. We have advanced about \$9,000,000,000 abroad. It is a well-known fact that they can not pay us unless we help to rehabilitate to some extent the industrial life and activity of the various countries abroad.

In general answer to the Senator from Utah, I will say that we can only stabilize exchange in three ways that I have ever heard of. One is by imports; and while of course we are getting a certain volume of imports, we will get more if we help rehabilitate them. The second way is by shipping gold, and they have not any gold to speak of. The third way, of course, is by our purchasing their securities.

These banks are to be organized under the supervision of the Federal Reserve Board. It is simply an evolution and a natural development of the banking system of the country, entirely in control of American interests, with American directors. The bill has been protected in both Houses with restrictive clause after restrictive clause. My only fear is that perhaps it is overrestrictive; but I do appeal to the Senate, in the interest of the business of the country, that there should be no further delay.

I am satisfied that the Senate of the United States shall await the return of the Senator from North Dakota [Mr. GRONNA]. I consider it the courteous thing to do; but, again, may I repeat, there is only one question that the Senate can then decide: Shall the bill go back to a conference committee which has reported it unanimously or shall such report be concurred in on the floor of the Senate? That is all we can decide with the Senator from North Dakota in the Chamber or out of the Chamber.

I sincerely trust, in the interest of stabilization, in the interest of the employment of labor, in the interest of using our merchant marine, in the interest of helping the producers and business men of the country, any little prejudice, if it does exist, any question of banking interests if such questions do exist, will be considered and balanced with our duty to try to help the farmer and the producer and the manufacturer to be paid for the goods they sell and produce.

I can not see how any friend of the farmer, when we consider the grain situation in the Northwest or when we consider the cotton situation in the South, can be in anything but absolute accord with the passage and the enactment into law as quickly as possible of this constructive measure. It is not in

the interest of the large banks, and I just want to refer to that in conclusion. It can not be in their interest. To-day the large banking concerns are organized under State charters, as is well known, and the Government has no supervision over them under a State charter. They go ahead and handle their financial and investment matters in their own way. Under this bill we immediately put under the supervision of a Federal board, and one that has certainly won the confidence of the country in its control and general supervision of the banking system of this country, every corporation organized under this act. For the first time we absolutely control the issue of debentures or bonds by a governmental body. So I can not see where there can be any justifiable reason for delay in the enactment and final passage of this important measure.

Mr. DIAL. Mr. President, I should like to ask the Senator from Connecticut when the Senator from North Dakota [Mr. GRONNA] is expected to return?

Mr. McLEAN. The telegram states that the Senator expects to return this week.

Mr. DIAL. I hope we will take up the bill this week.

Mr. McLEAN. I assure the Senator that as soon as the Senator from North Dakota returns, I shall ask the Senate to take up the matter and dispose of it.

Mr. DIAL. The holidays will soon be here, and it is very important that the bill should be passed before then.

The VICE PRESIDENT. Is there any further morning business? If not, morning business is closed, and the calendar under Rule VIII is in order.

THE CALENDAR.

The first business on the calendar was the resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war and declaring the policy of our Government to meet fully obligations to ourselves and to the world.

Mr. KING. I ask that that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership, and Federal aid therefor, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That bill we could not consider under the five-minute rule. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

AMENDMENT OF FEDERAL FARM-LOAN ACT.

The bill (S. 2377) to amend section 1 of the act approved July 17, 1916, known as the Federal farm-loan act, so as to provide for the payment of the expenses of the Federal Farm Loan Board and employees by the Federal land-banks and joint-stock land banks was considered as in Committee of the Whole. It proposes to amend paragraph 8 of section 3 of the act approved July 17, 1916, known as the Federal farm-loan act, by striking out the words "the salaries and expenses of the Federal Farm Loan Board, and of farm-loan registrars and examiners authorized by this section shall be paid by the United States," and inserting in lieu thereof the following: "The Federal Farm Loan Board shall have power to levy semiannually upon the Federal land banks and joint-stock land banks, in proportion to their gross assets, an assessment sufficient to pay its estimated expenses and the salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding year, the first assessment to be made for the half year beginning January 1, 1920."

Mr. SMOOT. The bill has already been read.

The VICE PRESIDENT. Yes; it has been read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE COAST GUARD.

Mr. KING. Mr. President, if the Senator from Minnesota [Mr. NELSON] desires to make an explanation of Senate joint resolution 102 I shall withdraw my objection, reserving the right to object until I hear his explanation.

Mr. NELSON. I should like very much to have that joint resolution taken up. The situation is this:

During the war the Coast Guard Service was attached to the Navy, and the members of its personnel were getting the pay that naval officers and men were getting. Since the war, within the last three or four months, the Coast Guard Service was detached from the Navy, and that puts them back at the old pay that existed long before the war, which is much less than the officers and men in the Navy are getting. They perform as important a work and as hazardous a work as that performed in the Navy, and there is no reason why they should not be put on a par with the officers and men of the Navy.

The Coast Guard now is composed of two former services. The original service was known as the Revenue-Cutter Service,

and attached to that was the Life-Saving Service. Those two services together constitute the Coast Guard. They are performing a great work for the country, and there is no reason why the officers and men connected with this important service should not be put on a par with the officers and men in the Navy. That is the whole purpose of this joint resolution.

Mr. KING. Mr. President, will the Senator yield?

Mr. NELSON. Certainly.

Mr. KING. Does this joint resolution for all time fix the status of the officers and men in this service, or is it just for the current year?

Mr. NELSON. It is simply to put them on a par with the Navy. In case the Navy pay is reduced the pay of the Coast Guard would go with it. It simply puts them on a par with the officers and men of the Navy.

Mr. TOWNSEND. Mr. President, if the Senator will permit me, I think the Senator from Utah understands that this branch of the service was created out of the two divisions which the Senator from Minnesota has mentioned, namely, the Revenue-Cutter Service and the Life-Saving Service, on the theory that they were related to the Navy; that they were proper branches of the Navy under certain important conditions. They have been very useful in the service of the Navy during the late war and are very useful at all times—in fact, they are of the very greatest use—and there is no reason why one branch of the naval service should be treated differently from another branch. If the Senator looks into the matter he will be convinced, I am sure, that the Coast Guard is in the very nature of things of direct importance to the people of the United States not only in connection with the Navy but also in merchant marine and coastwise service. They are especially necessary in time of war, but their services in time of peace can not be overestimated. They save life and property, the latter a hundredfold of their expense to the Government.

Mr. KING. Mr. President, if the Senator will pardon me, I do not agree with the position which he takes at all nor with the conclusions which he draws. It seems to me that the service of men in the Navy is entirely different from that of those engaged in the Coast Guard. I can not see why an officer in the Coast Guard should have the same grade or the same compensation as a naval officer. Naval officers give their lives to the service and are educated at the expense of the Government. It seems to me to take the Coast Guard and elevate it to the same status as that occupied by the Navy is wholly improper, and if this bill purposes to do that I shall object to its consideration. I will not object, because of the exigencies of the hour and because, as I understand, a good many of the employees in the service are leaving because of the superior compensation obtained elsewhere, to a measure which permits, for the current year, the same compensation as those in the Coast Guard have received during the war. But to put them on the same status as the Navy for all time I should object to.

Mr. TOWNSEND. Mr. President, let me say further to the Senator that I am sure he does not understand the real situation, or else he would not say that the man who enters the Navy, devoting his life to the service of the country in its naval department, is assuming greater risks or is offering greater service and sacrifice to his country than are the men in the Coast Guard. In the first place, the revenue-cutter men are educated at the public expense also, as I understand, the same as are officers of the Navy. But the dangers to life in the Coast Guard Service are very much greater, year in and year out, than those connected with service in the Navy, and service in the Coast Guard is for life or until retired under the law. The Coast Guard officers are given retirement similar to that given to men in the Navy, except that their retirement is less valuable, having fewer and smaller benefits.

Mr. KING. The Senator is referring to the officers now, I suppose?

Mr. TOWNSEND. I am speaking of the officers, who would be benefited by this bill. They do render naval service, and if the Senator was familiar with the work of the life savers and knew of the sacrifices they make and how they give up their lives in very many instances for the sake of the service in which they are engaged, I am sure he would not want to classify them below other officers in the Navy. It may not be exactly accurate to say that they are nominally officers of the Navy, but it is true in fact. During the recent war the Coast Guard Service was taken over by the Navy and its officers paid and ranked as naval officers. They should not now be discriminated against.

Mr. NELSON. Mr. President, I just want to add one or two words. During the war, although I do not recall the date, this Coast Guard Service was attached to the Navy and performed

their duties with the Navy. About a week ago I noticed that one of the Coast Guard vessels and the whole crew were sunk by a mine over in European waters.

Some people have a notion that the Coast Guard Service perform their duties altogether ashore. That is not true. Their boats are constantly plying along the coast of the United States, in the Alaskan waters, and in the West Indies waters, and since the Life-Saving Service was attached to the Coast Guard they have important duties in relieving wrecks and taking care of vessels that are out in a storm.

I can not conceive of any service that is more important and more hazardous, even in time of peace, than the Coast Guard Service. This is simply for the time being to put them in a position where they were six months ago. They were then attached to the Navy Department, and this is to put them right back, so that they can get the pay that they were getting then.

Mr. THOMAS. Mr. President—

Mr. NELSON. There is another reason, if the Senator will allow me, and then I will yield to him. Owing to the matter of high wages prevailing throughout the country, it is very difficult now for the Coast Guard Service to get men to man their ships.

I want to say another thing before I sit down. The Coast Guard Service have a naval code of their own, prepared by the Committee on Commerce some years ago, and passed. Before that time they were simply in the condition of ordinary merchant sailors; but we prepared a naval code that regulates and controls the enlistment and discharge of the men, and they are now put on the retired list, but not on the same basis as officers in the Army and Navy.

Now I yield to the Senator from Colorado.

Mr. THOMAS. What I wanted to ask the Senator is what increase this bill would make in the annual expenditures.

Mr. NELSON. I am unable at this moment to give the Senator the figures. They will simply be put on a par with the officers and men in the Navy for the time being.

Mr. THOMAS. I understand the bill; but I was somewhat interested to know how much it would add to the public burden.

Mr. NELSON. I am unable at this moment to give the size of the force.

Mr. KING. Mr. President, I regret very much to be compelled to insist on my objection. I shall be very glad to take the matter up with the Senator from Minnesota and officials representing the Navy and the Coast Guard, and see if we can not prepare a bill at a very early date which will increase the compensation, or at least give these employees the same compensation for the coming year that they had during the war. But I am not willing to concur in legislation which would place them in the same category with the personnel of the Navy.

PROTECTION OF WILD BIRDS.

The bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has heretofore been considered and partly amended. The next amendment of the Committee on the District of Columbia will be stated.

The SECRETARY. On page 2, to strike out lines 22, 23, 24, and 25, and, on page 3, to strike out lines 1, 2, 3, and 4, and insert, on page 3, a new section, as follows:

SEC. 3. That nothing in this act shall prevent the sale at any time of Hungarian partridges, English, ring-necked, Mongolian, or Chinese pheasants, when the same shall have been raised in captivity, or the sale of birds mentioned in this act alive, for propagating purposes, under such regulations and requirements as shall be prescribed by the Commissioners of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL AND RESOLUTION PASSED OVER.

The resolution (S. Res. 172) for the selection of a special committee to investigate the administration of the office of the Alien Property Custodian was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over. The bill (S. 2978) to establish additional fish-cultural subsidiary stations in the State of Michigan was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

IOWA TRIBE OF INDIANS.

The bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 5, to insert, after the word "Indians," the following proviso:

Provided, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said Iowa Tribe of Indians.

So as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment on principles of justice and equity and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, with the right of appeal by either party to the Supreme Court of the United States, for the determination of the amount, if any, which may be legally or equitably due said tribe of Indians under any treaties or laws of Congress or under any stipulations or agreements, whether written or oral, entered into between said tribe of Indians and the United States or its authorized representatives, or for the failure of the United States to pay any money which may be legally or equitably due said tribe of Indians: *Provided*, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said Iowa Tribe of Indians. A petition in behalf of said Indians shall be filed in the Court of Claims within one year after the passage of this act, and the Iowa Tribe of Indians shall be the party plaintiff and the United States the party defendant, and the petition may be verified by the attorney employed by the said Iowa Tribe of Indians to prosecute their claim under this act, under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the facts alleged in said petition. Upon the final determination of the cause the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by said Iowa Tribe of Indians, and the same shall be paid out of any sum or sums of money found due said Iowa Tribe of Indians: *Provided*, That in no case shall the fees and expenses decreed by said court be in excess of 10 per cent of the amount of the judgment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 6863) to regulate the height, area, and use of buildings erected in the District of Columbia, and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2773) for the relief of Ethel Proctor was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2207) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2785) to provide aid from the United States for the several States in the prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases, in order to determine their cause and methods of prevention, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel M. White, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1302) for the relief of John H. Rheinlander was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CLAIM OF OWNERS OF STEAMER "TEXAS."

The bill (S. 1255) authorizing the Texas Co. to bring suit against the United States was announced as next in order and was read:

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the claim of the owners of the steamer *Texas* arising out of a collision between said steamer and the U. S. S. *Frederick der Grosse* off Tompkinsville, Staten Island, in the harbor of New York, on the 3d day of September, 1917, for and on account of the losses alleged to have been suffered in said collision by the owners of said steamer *Texas* by reason of damages to and detention of said steamer may be submitted to the United States court for the district of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal.

Sec. 2. That should damages be found to be due from the United States to the owners of said steamer *Texas*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

Sec. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

Mr. KING. Let the bill go over.

Mr. SHEPPARD. Mr. President, I ask the Senator to allow the bill to be passed. It merely authorizes the bringing of a suit in the Federal courts in the State of New York.

Mr. KING. I will withdraw the objection for the present.

Mr. SHEPPARD. The Senator from Utah [Mr. SMOOT] raised the point a few days ago that the report does not show that these parties had taken up the matter with the proper department of the Government. I have since ascertained that they made application to the Navy Department for redress, and that the Navy Department replied that it could not consider the claim because it amounted to more than \$500; that the claimants would have to get special authority from Congress to bring a suit, and have the matter tried on its merits. That is all the bill proposes to do. I hope there will be no objection to it.

Mr. SMOOT. Mr. President, this is not only for the repairs and the surveyors' fee in examining and reporting on the damages, and recommending the necessary repairs, but it is for \$16,425.48 for the loss of the time the steamer was out of commission.

Mr. SHEPPARD. That is to be tried out in the courts. If there is no legitimate basis for the claim, it will not be sustained. The Navy Department held that special congressional authority would be necessary in order that a suit might be brought.

Mr. SMOOT. I will refer to the report in a moment.

Mr. KING. While my colleague is doing that, I should like to ask the Senator from Texas if he knows of any precedent for the Government being held liable for damages resulting from collisions of this character, and of loss of time growing out of the inability to use the vessel during the time it was being repaired?

Mr. SHEPPARD. That I do not know. But the passage of this bill would not of itself commit Congress to liability.

Mr. SMOOT. I will say to the Senator that whatever action is taken in this matter by Congress will virtually bind the Congress to pay the amount. I do not recall the Government ever having paid for the loss of time that it took to repair such boats. I know the general law authorizes the Navy Department to settle claims under \$500, but in that settlement time is never considered in figuring an obligation against the Government.

Mr. SHEPPARD. If that be correct, I feel sure the court would not sustain that part of the claim in so far as it relates to loss of time.

Mr. SMOOT. I do not know about that, I am sure.

Mr. SHEPPARD. If the court should decide that the Government is bound, it would seem that these people would be entitled to redress. The bill provides for a trial on the merits.

Mr. OVERMAN. Mr. President, the court would make a reasonable allowance for damages suffered; but the question is whether it would be the policy of Congress to allow for such damages as are alleged here.

Mr. SHEPPARD. The object of the bill is not to commit Congress in any way, but to make possible a court decision. I assume the court will pass on the matter fairly and render whatever judgment is proper. How could the claim be properly adjudicated, except by the court, under the circumstances?

Mr. SMOOT. I notice that this boat is supposed to carry 9,770 tons, and they allow \$6.50 per ton per month for the full tonnage of the boat and charge \$2,116 per day, which is based

on the rate of \$6.50 per ton per month for the total tonnage of the boat. I think that is unreasonable. It is not very likely that the boat would have a load to its utmost capacity, nor is it very likely that the boat would be in commission carrying freight every day during the time that it took to repair it.

Mr. SHEPPARD. Would not the Senator feel safe in permitting the court to investigate that and pass on it?

Mr. SMOOT. I think Congress itself has acted on this question. The Senator knows there are a good many things that Congress has well settled in paying claims against the United States. It is quite different from claims between individuals and corporations.

Mr. SHEPPARD. Would not the court examine into that?

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3288.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations, and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

The VICE PRESIDENT. The pending question is the amendment of the Senator from Kansas [Mr. CURTIS] to strike out section 7 of the bill.

Mr. MYERS. Mr. President, I have some views to express about the pending bill, Senate bill 3288, a bill to provide legislation for the return to their owners of the railroads of the country and to provide regulation of the operation of the roads. It is a most important subject of legislation and requires the most careful and serious thought of Congress. The railroads are the arteries of the commercial and industrial life of the country. All commercial and industrial life circulates through them. Without natural and unimpeded circulation, stagnation would follow, and if all circulation were stopped death would ensue not only to commerce and industry but actual physical death to vast numbers of people would ensue from starvation. Much is involved. Stockholders in railroad corporations should have a fair and sure return upon their investments; employees should have reasonable compensation and fair working conditions; but the interest of the public is more extensive than that of either. It is highly important that there be adequate, continuous, unimpeded service.

I shall principally address my remarks to-day to that feature of the bill which is intended to prevent interference with interstate commerce by railroad strikes. I am very heartily in favor of that provision of the bill. I think it absolutely necessary to the welfare and life of the people of the United States and to the good order and domestic tranquillity of the country. I believe it within the power of Congress to enact such legislation. The preamble to the Constitution of the United States recites that the Constitution is adopted, among other purposes, to insure domestic tranquillity. Without some means of prevention of nation-wide railroad strikes there can be no assurance of domestic tranquillity in this country. By the Constitution Congress is given power to regulate commerce among the several States. To regulate commerce among the several States certainly includes the power to prevent interference therewith or extinction thereof; without railroad transportation there could be but little commerce among the States. Interference with the United States mail is unlawful and punishable. Why should not interference with interstate commerce be made unlawful and punishable? Transmission of the mail is only one phase of interstate commerce. Transportation of passengers and freight is of more vital importance than transmission of mail.

I think the time has come when Congress should create a tribunal to hear and determine disputes between railroad companies engaged in interstate commerce and their employees, about wages and working conditions, with power to decree and enforce the granting of reasonable wages and fair working conditions. That is provided in the pending bill. Jurisdiction over such matters is given to the proposed transportation board, the proposed committee of wages and working conditions, and the proposed regional boards of adjustment. The bill provides for equal representation of employers and employees on the committee of wages and working conditions and the regional boards of adjustment. By this method employees will have a voice in fixing their wages and working conditions. They will no longer be compelled to accept whatever wages and working conditions their employers may offer or to quit their jobs. What is right and reasonable is to be determined by a fair, impartial tribunal, sitting as a judicial body, taking into consideration the interests of the public, the rights of investors, and the rights of employees. A penalty is provided to enforce decrees.

Manifestly, I think, as a corollary, this should be accompanied by a provision to prevent a nation-wide or territorially extensive railroad strike from being suddenly and arbitrarily precipitated upon the people of the country, to the utter paralysis of business and imperiling by starvation the lives of the people. If we are to get away from the old, haphazard system of allowing railroad companies to fix wages and working conditions and compelling employees to accept what is offered or to strike, if we are to get into a higher and fairer arena of adjudication, if we are to take into consideration the paramount interest of the people, if we are to make the subject one of judicial action, we should not end with providing that railroad companies must pay whatever wages and grant whatever working conditions may be decreed by a judicial tribunal and leave employees still free to plunge the country into desperation and bring it to starvation by a nation-wide strike. It would not be fair to bind employers and not employees. To be workable, to be fair, and to obtain the desired benefits some compulsion must be applied to each side. Employees should not have the benefit of a compulsory law to require employers to pay adequate wages and grant fair working conditions and still retain the power to destroy through the strike.

In my opinion, the time has come when the people are entitled to know whether their Government is to be supreme in the realm of domestic tranquillity, general welfare, law, and order, or whether a class of citizens, only a small part of the people, banded together by class organization, are to be supreme, whether the Government or organized labor is more powerful. If the Government is not supreme and the more powerful, the people should know it in order that they may take counsel and decide to submit to the inevitable or undertake to seek a remedy. Undoubtedly for many years capital was largely disregardful of the rights of the people and the general welfare. It engaged largely in the formation of trusts, combinations, and monopolies, and thereby fixed prices and wages and restricted production and worked much hardship upon the people. This rapacity continued until public sentiment was so aroused that it was reflected in Congress, and laws were enacted which were intended to curb, and have in a measure curbed, the rapacity of capital and made it much more responsive to reason and justice.

A new menace, however, has arisen, and it bids fair to be more dangerous, more tyrannical, more oppressive, more terrible, than the old menace or any other our country has ever known. It appears to have the power to destroy; not merely to oppress or harm but the absolute power to destroy. Apparently it believes it is possessed of that power and is disposed to use it unless it can have its way, regardless of the views and judgment of the whole people. It is the menace of organized labor, with its present tendencies and under radical control. I think organized labor has for quite a number of years been very fairly treated by the executive, legislative, and judicial departments of the Government—may more, generously treated. There had long been a feeling that there was an unequal distribution of wealth and opportunity in this country, and the whole trend of governmental action for a number of years has been to give labor a larger share of wealth and opportunity. This has continued until it appears to have created in organized labor a rapacity and greed that are appalling, accompanied by ominous threats that portend grave danger to the body politic.

Selfishness is not confined to capital. Selfishness is found in all elements of population. It is found in labor as well as capital. When unrestricted in either it is sure to go too far; sure to go so far as to interfere with the general good and welfare, which should always be supreme. Selfishness should be curbed in capital and labor alike. It should not be curbed in one and allowed to go unrestricted and run riot in the other. Selfishness is an element of human nature which should always be the care and object of legislation. It must be if popular government is to be a success. Unrestrained selfishness in any element of population will ruin fair and impartial government.

It was during the war with Germany that organized labor exhibited a rapacity that was not wholesome and appeared to become swollen with the consciousness of power. Undoubtedly there was extravagance on the part of the Government during that war. There had to be some. We had to win the war, regardless of cost. The winning of the war was paramount to all else. Cost was a minor incident. We entered the war late and had to make haste. Haste necessarily costs. It always does. Doubtless during the war there was some profiteering by capital. It was impossible to prevent all profiteering by capital. In gigantic contracts, hastily filled, there must be generally some large profit.

As a class labor was loyal during the war with Germany. It did its share toward the winning of the war and I give it credit for it. Without its help the war could not have been won, but in the main it was well paid for what it did. Its loyalty was

accompanied by the highest wages ever known. There were repeated demands for increased wages and nearly all of them were granted. Some of them were unreasonable. Some were accompanied by express or implied threats to quit work if not granted. The Government and employers were not in a position to quibble about wages and nearly every demand was granted. During the war there were many workmen who received quite as much, half as much, or a third as much wages in a day as soldiers fighting in the trenches in France received in a month. In some essential industries, such as shipbuilding, some workmen received a much greater wage in a day than soldiers in the trenches received in a month. There was no great exception taken to this, because we had to win the war, regardless of cost. However, the experience of labor during the war, the wages received, and the readiness with which nearly every demand was granted appears to have given labor leaders a new consciousness of power and appears to have caused radical elements in labor circles to determine to go to great and unreasonable lengths in time of peace and to use the power acquired under stress of war for purposes of downright extortion; and this spirit unfortunately appears largely to have pervaded the entire ranks of organized labor.

There appear to be in labor circles a belief that labor is in the saddle and has things going its way, and a determination to go to the uttermost extremity, regardless of consequences, regardless of right or wrong, and regardless of the welfare of the country and the interests of the whole people. Coupled with this determination seems to be a feeling in labor circles that the Government is either powerless to resist extreme and extortionate demands of labor or on account of timidity dare not do so. There is some ground for this feeling.

For a long time both of the leading political parties have made a specialty of catering to organized labor. Nearly every demand has been granted. Organized labor has been coddled, babied, and toadied to until it is no wonder, with the fresh prestige gained during the war, labor feels that it is foolish not to demand anything its fancy may want. Especially of late years has labor been humored to an unreasonable and unwholesome extent. Bids have been made for the labor vote until the leaders of organized labor are so swollen with real or imagined power that they apparently feel they are in a position to dictate to the Government and exact anything they may desire.

In my opinion some serious mistakes have been committed in the policy of the Government toward labor. While it was the duty of the Government to curb with a firm hand the greedy rapacity of capital, there was no reason why the Government should have given labor carte blanche to go to any length or should have humored its every whim. I think the Adamson law was a grave mistake, and I think we are now reaping its consequences. I think much of the trouble which has since arisen in regard to the operation of railroads; much of the enormous deficit resulting from Government operation of railroads, amounting to hundreds of millions of dollars; much of the net loss to the Government in the operation of railroads, at times amounting to more than a million dollars a day, may be traced to that act. It was the belief of many who acquiesced in the Adamson law that that was the last that would be heard of demands of railroad employees about wages for a generation or more; but immediately the Government took control of the operation of the railroads it was confronted by repeated demands for increased wages, and they were all granted, and the end is not yet.

I think it was a grave mistake to exempt farm and labor organizations from the provisions of the Sherman antitrust law—Republican—and the Clayton antitrust law—Democratic. In my opinion, each was largely a bid for political support. In my opinion, very much of our domestic trouble since the signing of the armistice with Germany arose from those mistakes. Each year they have been confirmed by the action of Congress in putting in the annual appropriation bill for the Department of Justice a provision that none of the money appropriated should be used for the prosecution of farm or labor organizations for acts contrary to the inhibitions of antitrust laws. This has continued until in the minds of the beneficiaries of such exempting provisions there has apparently been formed a firm belief that their right to do things forbidden to other and less favored citizens has ripened into a vested right. In recent years there has occasionally been some feeble opposition in Congress to the insertion of such exempting provisions in appropriation bills, but without effect. At the last preceding session of Congress, when there was before the Senate a bill to make a deficiency appropriation for the Department of Justice, a determined effort was made by a few Senators to prevent the inclusion in the bill of the usual clause of exemption in favor of farm and labor organizations, but it was defeated by a margin of three votes. There was but a small attendance. Twenty-

eight of us voted to strike out the usual exclusion clause and 31 voted against striking it out. The vote showed that a good many Senators were awakening to the unwisdom of class legislation.

All of my life I have been opposed to class legislation. I had long understood democracy to mean equal rights to all, special privileges to none, and no class legislation. However, democracy seems to have grown to mean equal rights to none, special privileges for all who have enough votes, class legislation for those strong enough to get it. It is not, however, my ideal of democracy. If one political party has indulged in class legislation and granted special privileges to the wealthy, that is no reason why its opponent should indulge in class legislation and grant special privileges to the class which has the most votes. Republican concessions of special privilege to those who have the most wealth and Democratic bestowal of special exemptions upon those who have the most votes are, in my opinion, equally wrong.

I believe in the original democratic doctrine of equal rights to all and special privileges to none, no matter how wealthy or numerous claimants for special privilege may be. I believe it is the true theory of democratic government. None should be allowed to follow their selfish interest to such an extent as to interfere with the common rights and general welfare of the whole people. All classes should be amenable to the law and all should be made subject to the general welfare and common good. To do otherwise is to endanger popular government and destroy democracy.

As a result of class legislation in favor of wageworkers, there has grown up in this country an inner government. It is inside of the regular or constitutional Government. It is not an invisible government. It is very visible. It does not operate under the surface or behind the scenes. It is bold and open and very much aboveboard. The inner government consists of combined organized labor, and it is a grave question if the inner government to-day is not superior to and more powerful than the constitutional Government. The inner government issues edicts and makes demands, and in the past they have largely been honored by the constitutional Government. If this is to continue constitutional government can not survive. In my opinion, it is timely and opportune to determine whether or not this shall continue until it may reach the point of the utter subversion or destruction of constitutional government. Shall the inner government or the constitutional government rule? The time and the opportunity to make the test are now at hand.

I believe there should be a test of strength between our Government and organized labor. Organized labor has been growing in power at a prodigious rate. It has become arrogant and domineering. If the test be longer postponed, when it may come it may be disastrous to constitutional government. I think it imperative that a test be had as soon as possible. The radical element of organized labor is evidently in the saddle and it does not mince words in its threats or demands. It bodes no good for the common weal. It seeks only advantage, power, benefits for itself. It appears to have no thought of the common welfare. The chief labor organizations of the country appear to have passed under radical control and that radical control is in many instances closely linked or nearly related to sovietism, bolshevism, and communism, so much so as to give strong ground for the belief that many of the radical leaders who are now leading large organizations of labor at a reckless pace have in mind a covert or thinly disguised purpose to internationalize the proletariat of the world and put it on the throne and either overthrow this Government or materially alter it, so that sovietism and not democracy shall characterize it. Some openly avow their purpose to sovietize the United States. Others do not, but appear to be working to that end.

Great labor leaders, heretofore regarded as prudent and conservative, who now appear to be unable to stem the rising tide of radicalism, apparently are disposed to drift with the radical tide rather than fight against it. The greatest labor leader in this country has been Samuel Gompers, president of the American Federation of Labor. Heretofore I have had considerable respect for and confidence in Mr. Gompers. I thought his part during the War with Germany was well done, and I thought him entitled to much credit for it. I had regarded Mr. Gompers as a conservative force, a stabilizer of radical tendencies in labor circles, and thought him in a position to do great good. In fact, he has done some good, and I give him credit for it. Mr. Gompers, however, appears to have become unable or unwilling to stem the torrent of radicalism, and appears to have decided to drift with it rather than fight it.

In the great steel strike—a strike not conducted for higher wages or better working conditions, but to make the steel industry a closed industry, so no American citizen may obtain employment at it without first getting permission from an oli-

garchy of organized labor—Mr. Gompers joined hands with James Fitzpatrick, William V. Foster, and Jacob Margolis, and has stood for that for which they stand in that strike. He has stood shoulder to shoulder with them and has worked hand in hand with them. Margolis is a plain anarchist. I do not say Mr. Gompers subscribes to Margolis's anarchy, but he has stood with Margolis in the steel strike. Foster is a rabid syndicalist, a former avowed I. W. W., and, no doubt, still one at heart. Fitzpatrick was the ruling genius in the formation of a new labor party which recently held a national convention at Chicago and demanded the impeachment of Judge Anderson for issuing an injunction in the coal strike against the head officials of the United Mine Workers of America. Some of this convention's other demands were:

- Abolition of the United States Senate.
- Election of Federal judges by popular vote for terms not exceeding four years.
- International solidarity of labor.
- Maximum hours of labor for men and women to be 8 hours a day and 44 hours a week.
- Minimum wage for workers to be fixed by law.
- Old-age, unemployment, and sick pensions.
- Government to own and operate the banking business of the country.
- Nationalization of unused lands.
- Incomes of individuals to be limited by law.
- National initiative, referendum, and recall.
- Application of the "home rule" principle in State, county, and city government.
- Condemnation of government by injunction.
- Repeal of the espionage law and all other repressive statutes passed during the war.
- Condemnation of universal military training and conscription.
- Immediate release of all political and industrial prisoners.
- Nationalization of all public utilities and all basic industries.
- Demand that all Government work be done by day labor instead of by contract.

The convention adopted a resolution condemning the peace treaty and league of nations covenant as at present drafted, for the reason that it did not conform with President Wilson's fourteen points and was not in the interest of the working classes of the world.

I do not say Mr. Gompers stands for Foster's syndicalism or all of the demands of Fitzpatrick's labor convention, but he has stood with those men in the steel strike. This goes to show that the radical, revolutionary element of labor is in control and that more conservative officials must submit to it or get out of the way. It shows the element of organized labor with which the Government has to contend. It shows the character of the menace.

When the unionized bituminous coal miners of the country, on the verge of winter, in violation of their express written contract, took advantage of the situation to undertake to freeze and starve the people of the country into submission to their most outrageous, extravagant, unreasonable, and extortionate demands, and when the Government, through the Department of Justice, a duly authorized agency, obtained an injunction against the leaders of that strike, from a duly constituted Federal court of competent jurisdiction, presided over by Judge Anderson—virtually an injunction against the action of a few men in undertaking to plunge the whole people of the country into starving and freezing conditions and to paralyze the entire industry and commerce of the country, in violation of law and of their contract—the executive council of the American Federation of Labor made common cause with the unlawful strike and, with Mr. Gompers presiding, defied the courts of the land and the Government. Mr. Gompers and his executive council openly assured the lawless strikers, who had their hands upon the throats of the Government and the whole people, that in their lawless stand they would have the absolute support and assistance in every possible way of the American Federation of Labor. The executive council of the American Federation of Labor issued a statement, which bristled in every line and sentence with defiance of the Government, the courts, and the law. It boldly challenged the Government to a test of strength.

I believe it was that action of the American Federation of Labor and those utterances of Mr. Gompers which caused the miners, despite the injunction, to remain on strike and defy the Government and bring its people, as they have, to the verge of death, through freezing and starving. It made a farce, a joke, of Judge Anderson's paper injunction. It was made nothing but a paper injunction. Organized labor defied the Government, and so far has made its defiance successful, successful to the verge of death and destruction. Is all of this to go unnoticed? Are we, the representatives of the people, the guardians of the Constitution, to take no heed of these things? Are we to take no warning? Are we to put a strait-jacket on railroad employers and say to them: "We will fix wages and working conditions of your employees and make you abide thereby, and at the same time leave this great power for destruction of all Government and society unbridled, unrestrained, and free to wreak its will upon the defenseless people at the dictate of tyrannical masters, some of them clearly bent on sovietism and bolshevism?"

Great as are the opportunities for arbitrary action of radical labor elements and scheming labor leaders, to the detriment of the general welfare, in coal mining, the steel industry, manufacturing industries, and other industrial lines, I believe the ability to wreck, ruin, desolate, and paralyze, and to bring to people death from starvation exceeds in railroad transportation that of all the others. I believe if a nation-wide railroad strike should be instituted, as has been more than once threatened, and if it should be successful in a complete tie-up of the railroads for a period of two weeks, it would cause the death by starvation of from five to ten millions of people of the country, mostly in the large cities. New York City, it is said, never has provisions on hand for more than 48 hours ahead. We have had a coal-miners' strike, contrary to law, for five weeks. Why not a nation-wide railroad strike for two weeks? If there are elements of organized labor which are determined, and if there are scheming labor leaders who are determined, to have their way or pull down the temple of Government in ruin upon the heads of all—and I think the events of the last few months leave no room to doubt it—I believe the railroads of the country afford the most effective avenue. That this avenue has been chosen by some appears plain.

Last summer, when crops were to be moved, when the cost of living was a sore burden to millions of people, when it was the duty of every patriotic citizen to struggle along for the time being as best he could and help to reduce the cost of living and help change war conditions to prewar conditions, when the Government had paid out of the Treasury hundreds of millions of dollars to operate the railroads and was then operating them at a loss of a million dollars a day, a sudden, unexpected, concerted descent was made upon Congress by the leaders of the railroad brotherhoods with demands for an increase of wages and for the adoption of the Plumb plan of so-called nationalization of the railroads; in fact, nothing but sovietism.

The imperious demand was made that these things be done at once, and, if not, a nation-wide railroad strike was threatened. President Wilson threw himself into the breach and, by appealing for time and promising to make every effort to reduce the cost of living in a short time, he succeeded in procuring an armistice, and the threatened calamity was held in abeyance, but kept over the heads of the people of the country.

Taking warning, very soon thereafter earnest work was begun and continuously prosecuted by the Senate Committee on Interstate Commerce, of which I have the honor to be a member, upon the framing of legislation to turn back to their owners the railroads of the country and to prevent the possibility of such a fearful calamity as a nation-wide railroad strike. The pending bill resulted. The brotherhood leaders, so far, have complainingly withheld direct action, but there are continual rumblings of a disposition to turn loose the thunderbolt. The taste of the Adamson law and subsequent successive tastes have whetted their appetites.

At a hearing which was granted to labor leaders by the Senate Committee on Interstate Commerce, which framed this bill, upon the proposed provision against railroad strikes Mr. Gompers and other labor leaders appeared before the committee and violently opposed the antistrike provision of the bill. Mr. Gompers, in particular—and others, too—said if the provision were enacted it would not be obeyed. They announced that they would defy it. Mr. Gompers said he would have no hesitancy in advising railroad workers to disobey it. In short, he and his associates defied the Government and set themselves up as more powerful than the Government. The inner government against constitutional government! The inner government professed to be more powerful than the constitutional government and declared a test of strength against the latter. I for one am in favor of accepting the challenge. I do not believe it should be passed over. I believe now is the time to make the supreme test. The majesty of the law has been challenged, is being challenged every minute!

In my State to-day the people are in the dire extremity of deep distress. Thousands of innocent, law-abiding men, women, and children are suffering cruel deprivation under the iron heel of a merciless oligarchy's tyranny. Thermometers register many degrees below zero. Deep snows cover the ground and biting blizzards sweep the State. Thousands of people are out of fuel. Many are tearing down their barns and other out-buildings and fences for fuel. Some are reported to be burning their furniture. Schools and churches are closed. Newspapers are suspended. My latest advices are that the large mines and smelters of the State have closed for lack of fuel, throwing thousands of workmen out of work, from 12,000 to 18,000, and stopping their wages. I have no doubt thousands are suffering misery. This is horrible, shocking, revolting! That such a state of affairs can exist in America is appalling. Did ever

people have greater cause for grievance against our Government that such things can be? Are we helpless to remedy this terrible condition, brought about by the merciless tyranny of the inner government? If not, the power of the constitutional government should be asserted and enforced.

If the law-breaking coal miners win their strike, constitutional government is ended in the United States; our liberty and security are gone. In that event we shall have to crawl submissively upon our hands and knees and servilely bow to the dictates of the inner government of organized labor, just as Congress has been crawling and bowing to its dictates, the result of which the country is now reaping.

Rebellion is in the land! It is bold, sullen, defiant. The United Mine Workers of America are openly defying constituted authority, law, Government, courts, a court injunction. I have no doubt their leaders and officials are conniving at, inciting, instigating, encouraging this defiance. I have no doubt there are other labor leaders in high places who are aiding and counseling. A decree of a high court has been ruthlessly trampled in the dust. The titanic grapple of our Government with a gigantic force within is at hand.

Shall the majesty of the law be upheld? There is no majesty more imposing, of greater grandeur, of more sublime proportions than the majesty of the law. Like divine omniscience, it may be defied, trampled upon, violated; it can not be destroyed. It is everywhere. It may be denied, but it exists. It may be pushed aside, but it resumes its sway. It is supreme in right and in conscience it will be vindicated. None can violate it without injustice to others, injury to themselves. America is going through an ordeal. Shall we be heedless, as in the past, and not prepare for the future? If the coal miners' strike should be by the Government compromised in such a way as to put one cent more of cost upon the public, in my opinion it would be a mistake that would return to plague it for many years to come. I do not believe it should be compromised. I believe the Government should stand on the offer made by Dr. Garfield, accepted by the operators, and fight it out on that. The Government has declared this an unlawful strike, and I do not believe in compromising with lawlessness.

Mr. FRELINGHUYSEN. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Montana yield to the Senator from New Jersey?

Mr. MYERS. With pleasure.

Mr. FRELINGHUYSEN. Has the Senator made any investigation as to the increased cost of coal, either to the operators or to the public, in the 14 per cent advance which has been suggested by the Fuel Administrator, Dr. Garfield?

Mr. MYERS. I have not. I have taken Dr. Garfield's statement.

Mr. FRELINGHUYSEN. Does the Senator know that that would increase the cost of production \$107,000,000, in addition to the previous advance made by the Fuel Administrator?

Mr. MYERS. I have heard those figures given. I have no doubt they are correct.

Mr. FRELINGHUYSEN. I am leading up to this question: Is the Senator of the opinion that that \$107,000,000 placed upon the operators is a proper charge against the operators? Should that increase be made if the miners are now getting sufficient wages?

Mr. MYERS. No; if the miners are receiving sufficient wages it should not be granted. I am only saying that the Government having seen fit to authorize and back up Dr. Garfield's statement and his attitude, it should fight it out on that stand and not recede one iota from it. I have simply taken Dr. Garfield's announcement of the result of his investigation of the cost of coal production; that is, that the coal operators could stand that much of an increase and have some profit left. I have not investigated the subject myself. I am relying upon Dr. Garfield's statement, which I have no reason to doubt.

Mr. FRELINGHUYSEN. I do not want to interrupt the Senator in his speech.

Mr. MYERS. I am quite willing to be interrupted to any extent.

Mr. FRELINGHUYSEN. But I think the Senate should understand this question, as the Senator has mentioned the fact.

Mr. MYERS. I would be pleased to have the Senator from New Jersey make any statement he may think would shed light on the question. I am sure anything he might say would be enlightening.

Mr. FRELINGHUYSEN. As I understand, the 14 per cent advance is supposed to be taken out of the income of the operators?

Mr. MYERS. That is my understanding.

Mr. FRELINGHUYSEN. It is imposed under war powers granted in the Lever bill, giving the Fuel Administrator power and authority to readjust the wage scale. The legislation will expire by limitation when the President shall proclaim peace, and therefore it is reasonable to assume that in six months, or a year at least, those powers will expire by limitation. But the advance imposed upon the public of \$107,000,000 added cost is a wage agreement extending to two and a half years from the present time, and every effort to reduce the price of coal or readjust those wages is tied up under a contract for two and a half years, and there will be no authority of law to readjust them. I believe that at the present time the wages of the miners are sufficient, that they are earning war-time wages, and that they should not be increased. I intend to show definitely in the Senate at some future time what these miners have been making, wages the minimum of which is \$1,500 a year and the maximum \$4,500 to \$4,800 a year.

Mr. MYERS. I agree substantially with what the Senator from New Jersey has said. I was merely saying that the Government having authorized Dr. Garfield's offer and having put itself back of it and having taken a stand on it I do not believe the Government should recede one iota from the stand it has taken, but believe the Government should at least fight it out on that stand and along that line; and if there be made any compromise which will go one particle beyond that I think it will rise to plague the Government for many years to come. It would be an abandonment of a stand as to principle.

Mr. FRELINGHUYSEN. I merely wish to say that I am entirely in accord with the Senator's view.

Mr. MYERS. I think this Government should show that it can take a stand for what is right and stay with it in the face of defiance.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. MYERS. With pleasure.

Mr. HITCHCOCK. This, of course, is true, that Dr. Garfield was better qualified, probably, than anyone else in the United States to ascertain what would be a reasonable advance to the men; and the fact that he made a decision which was not far from the reasonable one is indicated by the further fact that most of the operators indicated a disposition to accept his judgment in the matter. It may be that this 14 per cent increase in wages amounts to a very large sum—\$107,000,000, or whatever it may be. But as large as it is, after all, it is only a 14 per cent advance, and it seems to me that the Senator from Montana is occupying a very strong position when he takes the attitude that this decision having been made by the proper constituted authority it is now the duty of everyone to stand by it and see that it is carried out.

Mr. MYERS. The duty of the Government, too.

Mr. FRELINGHUYSEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. MYERS. With pleasure.

Mr. FRELINGHUYSEN. I wish to point out to the Senator from Nebraska where I believe the weakness of Dr. Garfield's position exists at the present time. The 14 per cent advance was based upon the difference between the high cost of living and the average wage of the miner, as I understand it. Upon the figures which were compiled and analyzed by Dr. Garfield he based his offer of increase in the present wage schedule. The weakness lies in the fact that the operators are tied up for two and a half years on that wage scale, although the cost of living probably will come down during that period, or we hope that it will. But the American public will continue to pay the burden of cost imposed at this time under that contract.

Mr. MYERS. I see the conclusion reached by the Senator from New Jersey, and undoubtedly it is correct; there can be no doubt about it. I am not undertaking to analyze Dr. Garfield's statement and offer which was accepted by the operators. I am merely saying that the Government having accepted it, and announced that it would stand on it, and put its authority back of it, the Government should not back down from its position and compromise. I believe it should stand on the position it has taken. I am opposed to any compromise of the controversy. The Government has declared that this is an unlawful strike; the Government can not take back that declaration; and I am opposed to compromise with lawlessness. If the Government is right, it should maintain its stand for the right. I want to see no compromise of this vital question, this momentous contest, which would compromise principle. Such compromises are always inadvisable and harmful.

The majesty and supremacy of the law are at stake. The test of governmental authority is at hand. The provisions of this

bill which constitute the test are so plainly just, fair, equitable, and in accordance with democratic government, the rule of the majority, the common good, the general welfare, that I do not think a better test can ever be had than that here presented, a test from which I think no representative of the people should shrink. With provision for guaranteeing to railroad employees adequate wages and fair working conditions and enforcing them, and with provision for raising the revenue with which to defray the expense, something which the railroad employees have never had, I do not believe there can be any valid objection to a provision that two or more employees shall not conspire to interfere with interstate commerce or that others shall not incite, aid, abet, encourage, or advise them to do so.

That is the very foundation stone of just government. It is the embodiment of the principle of equal rights to all, special privileges to none, the general good of all. It does not mean that no railroad employee may quit his job. Under this proposed law any railroad employee not satisfied with the wages, conditions, or terms of his job or the character of his work could exercise the great American privilege of quitting his job and seeking employment elsewhere. That is a privilege which every employee should have. There is nothing in this bill to prevent it. It does provide, however, that under such conditions as are guaranteed railroad employees, conditions never before enjoyed by them, conditions not enjoyed by any other class of employees in this country, it shall not be in the power of anybody to precipitate suddenly upon the defenseless people of this country a nation-wide railroad strike, bringing utter paralysis of business and possibly starvation to millions of innocent men, women, and children. That is too much power to repose in anybody without some control and regulation by law. We know it, and the time has come to say so and to take action.

The time was when it was the privilege of employer to fix the wages and working conditions of employee, and if the employee did not like them he could quit. The modern tendency of organized labor is for the employees to fix their wages and working conditions and to make the employer grant them. Neither system is entirely just. The public has an interest and should be considered.

The time was when there was involuntary servitude, corporeal slavery, in this country and other parts of the world. The master was the owner. The worker was the slave. That time is passed. A new form of slavery, however, has grown up. The new theory is not that the master owns the worker but that the worker owns the job and that the employer is the employee's slave; that the employee has the right to fix his wages and conditions of work and that the employer must grant them whether he wants to do so or not, not that the employer owns the worker but that the worker is the owner of the job; that he has a life tenure to the job and that the employer must keep him in the job for life; that worker and job are not under any circumstances to be separated; that the employer dare not discharge the worker; that the job is a personal perquisite of the worker and that he may fix wages and conditions and they have to be granted. This form of slavery is quite as tyrannical as the old form of corporeal slavery and more detrimental to the general welfare. It is wholly unsound. Corporeal slavery, happily, having been abolished, the new form of industrial slavery should be abolished. The public has an interest and should have something to say. This bill undertakes to give the public its rights in the premises and to say neither employer nor employee shall be in slavery; that there shall be no slavery, but that there shall be fair and equal treatment of both employer and employee, and that if the employee does not like the terms of employment he can quit, but may not conspire to bring ruin upon all the people.

I do not believe that, as a class, railroad employees have unduly suffered from low wages. Since the outbreak in Europe of the European war all classes in this country, except the rich, have suffered more or less from the rising tide of high prices. Prior to that, though, I believe, railroad employees were fairly compensated as compared with other wage-workers. They did not have an opportunity to become rich; neither have the great majority of people in all vocations. I believe, though, that prior to that time a faithful railroad employee who stayed with his job and tried to rise on merit and who kept away from saloons and gaming tables and who lived economically and did not aspire to live in the same style as more fortunate people in higher positions of life, in the absence of prolonged sickness or other unusual calamity, could earn a good living for himself and family and pay for a home and in the course of time save a modest competency. I know some of them did so and in time accumulated quite a few thousands of dollars.

Since the outbreak of the European war railroad employees have, I think, been treated generously in the way of wage ad-

vances. Some of them may be entitled to more, under all of the circumstances, as they exist. I am sure there are some who are not. If not now, there may be some who should have more at some future time. To whatever extent any may be entitled thereto, within bounds of reason, I believe future advances should be granted, but I do not believe, in view of their ominous actions of the last few months, that railroad employees should be left with a club in their hands which is capable of demolishing the structure of Government and wrecking organized society and bringing death by starvation to millions if they do not get all they may think they should have, be they right or wrong. The great masses of the people have some rights.

Organized labor, with its operations conducted within the bounds of reason, has much of benefit in it for workers, but its power may be prostituted to the detriment of its own legitimate purposes as well as society at large. Some of its tendencies are harmful. Such should not be allowed unrestricted sway. One tendency of organized labor is to cause its members to be buoyed up together and to float together on a common level, regardless of merit, ability, industry, application, fidelity. It is destructive of initiative, self-reliance, all effort to succeed by merit. The individual is submerged in the class. He advances, recedes, or remains stationary as the class does. The frugal, sober, industrious, faithful have little, if any, more opportunity than those who are not so.

I know a young man, who is probably under 40 years of age, who holds a position as superintendent of telegraph of a short-line railroad. He gets a salary, I believe, of \$3,000 per year. He does not belong and never has belonged to a union. He educated himself. He learned telegraphy in a country railway station. He took the first job he could get as a telegraph operator, at a country station, at a salary probably of about \$50 per month. He has not worked up to his present position through the aid of a union, through striking or threatening to strike, through holding a club over anybody's head. He has advanced solely by merit, sobriety, industry, honesty, effort, application. I am sure there is yet higher promotion and greater success in store for him. He would never have attained his success by simply relying upon a union and blindly following some union leader, regardless of right or wrong, regardless of the welfare of the people; or by heckling his employers for higher wages and shorter work hours.

In Cooper County, Mo., the county in which I was born and grew to manhood, the original population was nearly altogether southern. However, in the decade preceding the Civil War and the decade following that war many people from the North and also from Germany settled in that county. They constituted a new element of population, strangers in a strange country, unaccustomed to the ways of the country. They nearly all came with little or no means. Almost invariably the newcomers hired out and procured employment upon farms or in trade. Wages were very low. However, the newcomers were almost invariably frugal, honest, faithful, industrious. They worked hard, early, and late. As a rule those who worked as laborers on farms, next rented, and then, in a few years, bought land. Those who secured employment in trade, in time opened shops, stores, or mills of their own. They prospered. Nearly all were successful.

These people, while working for wages, did not blindly follow and obey some dictatorial leader. They did not rely upon any union to buoy them up or carry them along. They did not strike. They did not spend their time in promoting discontent or complaining about conditions or bemoaning their fate. They did not evince any jealousy, envy, or hatred of their employers or of others around them, because their employers and others were better off, more fortunate, and had lands and wealth. They did not spend their time in persuading their fellow employees to demand shorter hours and higher wages. They were satisfied.

These people were or became good citizens. To-day their descendants—their children, grandchildren, and great grandchildren, and many of them are there—nearly all own fine farms or mills, factories, industries. They are farmers, merchants, bankers, manufacturers. Many of the finest farms of that county are owned by them. Many of them own thousands of broad, fertile acres. Nearly all are wealthy. Neither they nor their forefathers depended upon unions or legislation to give them success. They depended upon individual merit, frugality, honesty, industry, application.

One man whom I have in mind arrived in that county some years before the Civil War. He came as a young man. He was from New York, a stranger in the community. It is said he arrived with 50 cents, his sole capital, aside from honesty, integrity, industry, willingness to work, determination to succeed. I have heard that he hired out as a farm hand. I am

sure he worked early and late and faithfully. He probably received as wages about \$8 a month and his board—now less than a day's wage of many a workman. Doubtless he began work before daylight the most of the year. He doubtless began work at 4 o'clock in the morning and worked until after dark. He did not heckle his employer with frequent demands for shorter hours and higher wages. He was contented. He did not spend his time in persuading the other employees to demand shorter hours and higher wages and to quit work if the demand were not granted. He was so faithful he was made foreman. Then he rented land. His industry, fidelity, and honesty became so well known that he was elected sheriff of the county. He discharged with fidelity and honesty the duties of that office.

This gentleman became a landowner; then a banker. In time he became the president of the principal national bank of that whole section. He became a man of wealth, standing, prominence, influence. Everywhere he was respected. His family was one of the best and most esteemed in that whole county. This gentleman would not have attained his success had he looked to the State legislature or to Congress to put him on a level of opportunity with more fortunate men, had he spent his time in complaining about social injustice and economic wrongs, and busied himself about theories of equality of opportunity and equitable distribution of the fruits of toil. He was neither a theorist nor a complainer. He believed man to be the architect of his own fortune. He relied upon his own strong arm, clear mind, and indomitable will; upon honesty, industry, fidelity, application, economy to carve his fortune. He was not afraid of work. He did not want a six-hour or eight-hour workday so he could spend the rest of his time in idleness. He worked hard. When young and middle-aged he doubtless worked from 12 to 16 hours a day. His hard work did not hurt him. It was good for him. He lived to a good old age.

Such is the spirit that subdued, conquered, builded the great West. That spirit transformed this entire country west of the Allegheny Mountains and made it what it is. It has builded civilization. It has made this country. Work is to-day the secret of success no less than ever—unstinted work. Work is good for mankind. Work in this period of reconstruction is needed more than ever before. This is no time for six-hour days and five-day weeks. Our forefathers were hardy, healthy, and successful, and they never thought of such things—neither desired them. We should get back to good old ideas of work, economy, frugality, saving. We need more application and less extravagance.

We need more production, and must have it if the cost of living is to be reduced. The modern tendency of the union is to restrict production and increase the cost of living. Unions are almost continually demanding higher wages and shorter work hours. They restrict rigidly the number of apprentices who may learn trades. All of this is unwholesome and in the end will lead to disaster for employer and employee.

The average union is not content with going on a strike, but by picketing, boycotting, and, too many times, by force and lawlessness it tries to prevent from working others who want to work. This is unjust to American citizenship. If a man wants to work, he should be allowed to work, if he and his employer can agree upon terms. The old adage of an honest day's work for a fair day's wage seems to be largely a thing of the past in these days. The disposition now seems to be to get everything possible and give as little as possible in return. This is not economically honest. Plunder the public seems to be the disposition of the times. Trusts and monopolies did it, and now labor unions seem to think it legitimate. It is time for the public to receive some protection.

A great deal of class hostility has been engendered by labor unions. There may be cause for some of it. I think, though, much of it is due to envy, jealousy, or hatred of those who are more fortunate. Many incidents confirm this belief. God did not intend that all men should have equal opportunity. All can not be employers. Some must be employees. All can not do brain work. Some must do manual work. All can not be wealthy. Some must possess less than others, and some even must be poor. Different opportunities are given to men. Sobriety, industry, honesty, fidelity, application count for much. Ability counts for much. Some men are given more ability than are others. Even if men had equal opportunity, and if all of this world's goods were evenly divided and equally distributed among men, in three months some men would be riding at the head of the procession in Pullman cars, others would be riding in automobiles, others would be riding in carriages, others would be riding in ox carts, others would be riding horseback, others would be walking at the end of the procession, and some

would be sitting on the fence and looking at the procession go by and complaining because they were not at the head of it.

Men should be satisfied with the opportunities God has given them; contented with their lot in life and determined to make the most of it and to do the best they can, instead of feeling envy, jealousy, or hatred of those who are more fortunate or more able and who have more of this world's goods, more success, and easier times. Each should make the most of life in the lot God has given him. I think everyone should strive to rise in the world and to better his condition and to provide a competency, but he should not continually complain that somebody else is better off than he, has more income, and lives in a finer house, and engender a feeling of hatred toward those more fortunate or more successful and expect legislation to make all equal. I am a poor man. I look around me and see Senators who are wealthy, Senators who ride in automobiles, while I ride in street cars, but that is no reason why I should have any feeling of envy, jealousy, or hatred toward them. I see around me in this Chamber men who have more ability than I, men who have had greater opportunities than I have had, but that is no reason why I should seek legislation to put me on a level with them.

I know there is a modern belief among many that legislation should equalize what God has not equalized. I know there are some who believe that if, in a country town, there are a banker who lives in a house worth \$10,000 and has an income of \$10,000 a year and a day laborer who lives in a house worth \$1,000 and has an income of \$1,000 a year legislation should be enacted which would cause each to live in a house worth \$5,500 and each to have an annual income of \$5,500; but it can not be done. That belief is economically unsound. It disregards the laws of nature and of economics. It disregards supply and demand, ability, merit, opportunity. This world was not intended for a paradise of equality, and it will not be until the millennium.

Covetousness is an insidious sin. It is generally accompanied by a spirit of hostility. While this bill was under consideration in committee I received from a union of trainmen a resolution strongly opposing a proposal to allow railroad investors to earn 6 per cent per annum on their investment. It was not a resolution in favor of allowing liberal wages and good working conditions to workmen, but was in opposition to a 6 per cent return upon railroad investment. I do not believe that is the proper spirit to prevail between employee and employer. It is a spirit of hostility which does no good. I can see no reason why employees should begrudge employers a fair profit.

I also received a resolution of a cooks' and waiters' union, in opposition to the pending bill and in favor of continued Government operation of railroads. All hail to the people who know how best to conduct railroads, at last discovered! The cooks and waiters of the country! When in need of a railroad president, look among cooks and waiters! It seems to me if cooks and waiters would devote their efforts to qualifying themselves for promotion in their own vocation they would do better. It may be that cooks and waiters know how railroads should be operated, but I believe there are others who know better. The action of those cooks and waiters in hotels and restaurants is indicative of the modern tendency of labor unions to stand together and control everything.

In pointing out, as I have, some of the harmful tendencies of labor unions as now conducted, I would not be understood as being hostile to organized labor as such. Within their proper sphere and within proper bounds, labor unions may be useful institutions and serve a good purpose. I have voted for many measures for the benefit of labor. When organized labor, however, undertakes to defy the Government, to bring ruin upon the country and starvation to the people, to flout courts and engage in lawlessness; when it undertakes to set up an inner government superior to constitutional government; when it seeks special privileges as a favored class, I for one am ready to say, "So far and no farther shalt thou go." It is time for us to put our backs to the wall and say, "You shall not pass." I know organized labor vows vengeance against all in public life who oppose its demands, but there are worse things than to give one's political life for his country. There are worse things than to give one's physical life for his country.

Labor unions, like all other organizations of people, should be restrained by law from going to hurtful excesses; from contravening the general welfare. They should be amenable to reason and to law. They should be subverted to the popular will, the rule of the majority. Within proper bounds and the scope of reason, they will not find the public or Congress, which represents the public, or is supposed to, inimical.

However, if organized labor would retain the good will of the public and not incur the opposition of the Government, it must

discard the leadership of radicals, reds, and syndicalists; it must quit holding a stop watch on the Government and saying, "Do as we say or take the consequences"; it must quit making outrageous, unreasonable, revolutionary demands and as an alternative threatening to ruin, wreck, starve, and freeze; it must abandon putting the inner government over constitutional government.

There is much evidence that the people are tiring of these excesses of organized labor. At last there is proof that the worm will turn when trod upon, for the Government has turned on the excesses of organized labor and asserted its authority.

Even Congress, which has long been submissive to the demands of organized labor, is beginning to show some sign of resentment. Upon the recent vote in the Senate upon a motion to strike from an appropriation bill a provision that none of the money appropriated should be used to prosecute farm or labor organizations for combinations in restraint of trade, contrary to the provisions of antitrust laws, the vote in favor of striking out such provision was the largest ever recorded in favor of such a motion in the Senate.

A few weeks ago, when extravagant demands of labor unions were being pressed to the utmost and dire threats were being made of the consequences if such demands were not granted, and when disaster seemed to be impending, there was suddenly sprung an effort to unionize the police forces of the country and have them affiliate with the American Federation of Labor. It was a movement fraught with much significance. It was plainly encouraged by the American Federation of Labor. Almost before it was known, the police forces of 37 cities had unionized and affiliated with the American Federation of Labor. Included in the number was the police force of the District of Columbia. I was one of the first Senators to oppose such action by the police force of the District of Columbia. I introduced a resolution to forbid it. At first my resolution received scant support. Since then, however, my action has been vindicated. Lately Congress has enacted a law forbidding such affiliation by the police force of the District.

The American Federation of Labor has invaded the ranks of Federal employees, and now nearly all of the employees of the Federal Government, or at least a very large proportion of them, are organized and affiliated with the American Federation of Labor and are subject to calls for strike benefits for strikers who are trying to bring ruin to the country, some of them lawless and defying court injunctions of the Government. This is ominous and dangerous. Startling are some of the revelations made to me of the terrorizing tactics of unionized employees of the Government, of the fear to which Government employees are subjected, and of the methods used to control departments and their employees by union influences. They portray a bad state of affairs. Recently the Senate put into a bill and passed a provision forbidding Federal employees to affiliate with a higher body of organized labor, meaning the American Federation of Labor, but the House of Representatives rejected it and the provision was dropped in conference. These things, however, show that Congress is awakening to dangers that menace the country.

By advocating action by Congress to curb excessive and harmful acts of organized labor I would not have it understood that I am unmindful of or opposed to restraining action as to capital when needed. I believe capital, too, should be restrained from flagitious acts harmful to the public. Both labor and capital should be treated alike. Both should feel the restraining arm of the law when disposed to interfere with the general welfare and contravene the rights of the public. Neither should be above the law's restraint nor beneath its protection. Both should be subject to the law.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Montana yield to the Senator from South Carolina?

Mr. MYERS. I yield, with pleasure.

Mr. DIAL. Does not the Senator think that it is time the legislatures of the various States should enact laws to cover some of the questions to which reference has been made by the Senator from Montana?

Mr. MYERS. I do. I think in matters of interstate commerce and in the field of legislation belonging to Congress the National Legislature should set the example for the State legislatures.

Mr. DIAL. The State legislatures are soon to meet. The legislatures of most of the States meet on the 1st of January, I believe.

Mr. MYERS. I think it would be well for them to take cognizance of the tendencies of the times and of some of the dangers that beset us. Congress can not legislate on all sub-

jects of legislation. Meantime, let Congress do its duty and set an example.

I believe in equality of treatment, so far as are concerned the Government and its citizens. I believe all should be treated with equal consideration and fairness. I believe every man should have a fair opportunity, so far as the Government is concerned or may provide, to earn an adequate living by honest work. I believe, so far as the Government may be able to provide, each of its citizens should be provided impartial opportunity to rise in the world and better his condition and provide for his family and, by industry, thrift, frugality, application, fidelity, to provide a competency. I believe merit should be allowed opportunity for recognition. I believe every legitimate incentive should be offered to merit, honesty, industry, effort. If a man may have the ability, coupled with honesty, industry, sobriety, application, I believe he should be afforded every legitimate opportunity to rise in the world, advance his position, and better his condition.

I believe every citizen should be accorded by the Government every privilege which may better his condition and make a better citizen of him, which does not conflict with the common good and the general welfare of the entire population. I do not believe, though, that any individual or any combination of individuals or any class of individuals should be granted privileges or concessions by legislation which, while they might please the recipients or even make them better off, would be a positive detriment and injustice to the great body of the populace, the general public. Such legislation would be unsound, unjust, unwise, undemocratic, un-American. There are people who contend that labor should be given all it asks and thereby, they say, remove the cause of its discontent and avoid trouble. Of course, if a man be discontented, because he wants your house and does not possess it, and threatens to put you out and take possession, one way to remove his discontent and avoid trouble would be to move out and give him possession; but I do not believe that method commends itself to right or reason.

We are told by some that the only way to remove discontent is to remove the cause of the discontent. The only way to do that would be to give everybody everything they want. That was tried in Russia. The only way to remove the discontent of radicals, reds, and anarchists would be to take a scoop shovel and shovel out to them all the money in the United States Treasury; and when they had spent all of it repeat the operation. Soft words will not satisfy these people.

I believe people should be encouraged to labor as much as is wholesome, and not to labor as little as possible. The constant tendency to shorten work hours is unwholesome and should be discouraged. Especially now, of all times for generations past, the world needs all the labor it can get. It needs all the production it can get. The world must be rehabilitated. The cost of living must be reduced. The high cost of living affects poor people more than anybody else. The rich can stand it. The poor can ill afford it. Every advance in the cost of living inflicts upon millions of toiling poor people a hard blow and gives them many pangs of anguish. Every restriction of production, every advance of wages, enhances the cost of living and hurts somebody.

I believe in these times people should labor to the extent of their ability and try to live within their incomes, and not be threatening dire disaster if they do not get what would be pleasing to them and all they would like to have. It is a time for patience, patriotism, prudence, fairness, impartiality. It is a time when greed and the grabbing spirit should be discouraged. It is a time when the general good of all should be paramount. It is a time when men should be taught to be satisfied to render an honest day's work for a fair day's wage. That would remedy much of our trouble. Work is good for man. He should realize that it is the divine decree that he shall live by labor. More men rust out than wear out. I sympathize with working people. I have been a hard worker all of my life, and with little more result than a comfortable living. I grew to manhood on a farm, where I knew hard manual labor. I have worked hard ever since, and I have sympathy with those who toil, but they should not ask for what is not in the interest of the common good, simply that they may particularly benefit therefrom.

I want the railroads of this country to be successfully conducted and, to a reasonable degree, to be prosperous. I want railroad investors to have a fair return on their investments. I want the public to have good service at reasonable rates. I want railroad employees to have adequate wages and fair working conditions. This bill, carefully framed by those who have made a deep study of the subject of railroad legislation, some of whom have given it much more labor and attention

than I, is intended to produce those conditions, and I believe it calculated to produce them. I do not believe, though, it should leave in the hands of any of the parties interested power to wreck the country and bring misery to the public. None of the parties interested should want that power and, if they do want it, they should not have it. We are all partners in the operation of railroads engaged in interstate commerce, and we should all work for the common good, and none should seek his own good to the detriment of all others.

I believe this bill, if enacted into law, will be a blessing to the country. If enacted, I believe it will make railroad employees better off, more contented and satisfied, and give them a better opportunity and more equal justice than they have ever had in their lives. If enacted, I believe it will in a measure serve the ends of justice and promote the general welfare and will insure domestic tranquillity to an extent hitherto unknown in railroad circles. If enacted, I believe it will tend to abolish class hostility and friction and bring about an era of good feeling between the public, railroad investors, railroad employers, and railroad employees, and I believe it will save the country many anxious hours and avert a great, overshadowing menace.

This bill is not altogether as I would have it. It is not altogether as I strove for in committee. With some of its principles I do not agree. With some of its provisions I am not satisfied. In committee I voted against some of its provisions and voted for others which failed of adoption. I believe the return intended by it to be provided for investors upon their investments too small. There are other things in it which are not in accord with my views, but, upon the whole, I believe it meritorious. I believe there is much of good in it. I think it would work an improvement in railroad conditions.

The experience of the last two years has conclusively shown, I think, that Government operation of railroads is not a success and is not desirable. In two years the Government has been out of pocket the staggering sum of \$1,250,000,000 for the operation of the roads, this in addition to all revenues derived from their operation. This money must be wrung from already overburdened taxpayers. The greater part of the time it has cost the Government a net loss of more than a million dollars a day to run the roads. At the same time wages have been increased, the number of employees to do the same amount of work has been enormously increased and freight and passenger rates have been greatly increased. For all of this the taxpayers must pay.

In view of this record I do not see how anybody can advocate further Government operation. If there be any reason to extend Government operation I fail to see it. It seems to me that those who have heretofore believed in Government ownership of railroads would be cured of their belief by this record. Our experience shows that private ownership and operation of public utilities is better and more to be desired. Hence, the necessity of legislation to return the roads to their owners, with proper safeguards and regulations.

I may support on the floor of the Senate some amendments to the bill. I may even offer some amendments to make it conform more nearly to my ideas of justice, and I think I shall. However, whether amended or not, I shall support it. Whether amended to suit my ideas or not, there is in it enough of good to command my support. I think it about the best that can be obtained and, amended or unamended, a vast deal better than restoring to their owners the roads without any safeguarding legislation, and vastly better than continued Government operation.

I am heartily in favor of the wage-fixing and antistrike provisions. I believe, if enacted, the measure will bring peace to the long-disturbed railroad industry and that it will benefit nobody more than railroad employees. "Let us have peace" applies to-day to industrial conditions in this country. This measure, if enacted, will make for it. I have tried to tell some plain truths to Congress and to the American people for the good of all concerned. My intent in doing so is good.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the senior Senator from Kansas [Mr. CURTIS].

Mr. CUMMINS. Mr. President, the Senator from Kansas is engaged just now in the Finance Committee, and I suggest that he be sent for, because I desire to go on with the bill as rapidly as possible. In the meanwhile, I can say all that I desire to say with regard to the amendment that has been proposed by the Senator from Kansas.

His amendment proposes to strike out section 10 of the bill. Section 10 is that section which first refers to the transportation board, and I understand it to be the purpose of the Senator from Kansas to test the question as to the creation of the transportation board. I only desire to suggest that, entirely aside from the merits of the proposition, I sincerely hope that

the Senate will not mutilate the bill in that way. If the amendment should prevail, it would become necessary to re-form the entire measure. I do not say that the Senator's amendment attacks the principle of the bill, but it would so destroy the machinery through which the bill is to be administered that it would become entirely unworkable.

In this connection it ought to be remembered that the bill passed by the House, instead of creating a transportation board, enlarges the membership of the Interstate Commerce Commission, and attempts in that way to make it possible to carry forward the regulation which is now in the statute and which is proposed in the bill of the House. In any event, the question is one which will be at issue between the House and the Senate, and I believe it ought at least to be settled in conference.

What I have said must not be understood as even intimating that I believe that the provisions of this bill are not as they should be. I am firmly persuaded that we ought to have a transportation board, as distinguished from the Interstate Commerce Commission. The time has come when the Interstate Commerce Commission must be largely occupied, and will be increasingly occupied, in what are known as quasi-judicial or semijudicial duties. It is a tremendous labor, vital to interstate commerce to perform in that respect, and it is in every way desirable to disassociate the purely administrative duties which fall upon a body engaged in administering the law which we have passed, and the law which I hope we will pass, from these judicial or semijudicial duties.

The question has received the earnest consideration of a great many public bodies, and I think it is the universal opinion among those who have given the subject matter study and great reflection that our system of regulation will be much improved by the substitution of a transportation board for the Interstate Commerce Commission in the respects which I have mentioned.

There was little difference of opinion exhibited in the long hearings which our committee held upon the matter, and that unanimity of judgment among the men who are best fitted to pass upon the subject influenced the committee, which, as I remember, voted unanimously in favor of a transportation board.

I do not care to discuss the matter at any very great length in the absence of the Senator from Kansas. I see no other way in which to proceed, unless someone desires to discuss the matter, than to ask a vote upon it. I am told that the Senator from Kansas is already on his way. And possibly some other member of the committee would desire to say a word about it.

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Kansas [Mr. CURTIS] to strike out section 7 of the bill.

Mr. CUMMINS. I may say that the Senator from Kansas has advised me individually that if his motion prevails he then intends to follow the subject by making proper motions to strike out all those parts of the bill which contain any reference to the transportation board. This is just the beginning of the subject in the bill, and therefore he has attacked this section in the first instance.

Mr. CURTIS. Mr. President, the amendment that I propose is to strike out section 7, and I want to ask the chairman to excuse me for not being here. I have been attending a subcommittee of the Committee on Finance, and came over just as soon as I heard that the amendment had been reached.

I know that the vote on this amendment will, of course, settle the question as to the other boards and commissions. The position I take is this, that under the Senate bill, and the House bill, too, for that matter, entirely too many boards and commissions are provided for.

In the Senate bill there are three distinct boards. These boards, and especially the one provided for in section 7, are authorized to appoint secretaries and attorneys and have transferred to them some 10 or 12 agencies that are now performed by the Interstate Commerce Commission. The salaries of the members of the board provided in section 7 are \$12,000 a year, and no doubt, if it goes through, there will be built up in Washington a board with more employees than are now engaged in the work of the Interstate Commerce Commission.

I believe that the Interstate Commerce Commission, if enlarged, could do all this work, and do it better, more cheaply, and more satisfactorily to the people of the country than any new board possibly could. The Interstate Commerce Commission has been organized for many years. It has studied all these questions. There is not a question that will come up under this bill that the Interstate Commerce Commission does not understand. If a new board is created, it will have to go over the work that has been done by the Interstate Commerce Commission.

So far as the other boards are concerned—those to settle wage and labor conditions, and the regional board to settle disputes—they are composed of exactly the same number of men representing the employees as represent the railroads, and will not likely come any nearer reaching an agreement than a committee appointed under the practice which is followed at this time. There is equal representation on the board and there will likely be a deadlock. This would be the case when the committees appointed under the present plan would be unable to agree. It would be better, therefore, to leave the question of wages, wage conditions, and disputes to the Interstate Commerce Commission. But if in the judgment of the committee the Interstate Commerce Commission has so much work that it will be impossible for it to dispose of this additional work, then a new board should be created, composed of men of high standing, who are disinterested, and the dispute should go immediately from the first committees appointed to represent the employees and the railway men to this board, and not to an intermediate board, the members of one of which are paid \$7,000 a year and one of them \$5,000.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. Certainly.

Mr. KING. The Senator will permit me to suggest that if the board should increase the amount of compensation to be paid the employees, that would necessitate an advance in the rates to be imposed upon shippers?

Mr. CURTIS. Certainly.

Mr. KING. Who is there who can better determine the burdens to which the public should be subjected than the Interstate Commerce Commission, which is entirely familiar with rates and with the shipping facilities and the industrial conditions of the United States, so far as a board of that character can be made acquainted with those matters?

Mr. CURTIS. I thank the Senator for making that suggestion. I had intended to refer to it a little later.

Mr. KING. I am in agreement with the Senator in some of his observations; but upon this point and others I have not yet reached definite conclusions. The questions involved in this bill are so important, indeed, so stupendous, that it is impossible for a man to grasp all of its provisions who has not made a life study of it, as some of the Senators have. But I am inclined to support the Senator's view that it is not wise to create a transportation board, and that it is wiser to leave to the Interstate Commerce Commission the functions that are devolved upon the transportation board. It would seem to be best to empower the Interstate Commerce Commission to determine the question of the wages to be paid to the employees; at least to confer upon it the final authority to act in the matter.

Mr. CURTIS. There is no question, as has been suggested by the Senator from Utah [Mr. KING], that the Interstate Commerce Commission is better equipped to settle this question than any new board could possibly be. And I believe, as I stated a moment ago, that the Interstate Commerce Commission has the confidence of the people of this country. If it is not large enough, then it would be easier to enlarge the commission than to create a new board; and you are bound to have a conflict of jurisdiction with the two boards, which is unfortunate in any branch of the Government.

But there is another thing. One on the appropriation committees, in going over the bills, finds page after page referring to boards and commissions. A few years ago I asked the clerk of the Senate Committee on Appropriations to make me a list of the boards and commissions and the amount of money that had been paid. I have been looking for that list in the last two or three days, but have been unable to find it.

I am afraid to tell the Senate, without again looking over it, the amount of money that has been paid in salaries and for help every year to the boards and commissions. I stated to the chairman of the Committee on Interstate and Foreign Commerce that there had been in existence one board, up to about eight years ago, for 20 years, that I do not think two Members of Congress knew was in existence. Possibly the members of the Appropriations Committees knew, but others did not. That is a fair sample. These boards are not needed; they are largely filled up by men who are not acquainted with the subjects which the boards are supposed to handle, and I believe it is the duty of Congress to do away with as many of the boards and commissions as possible, retaining those that have the confidence of the public and are doing good service; but create no more unless it is known that they are absolutely needed.

I will say frankly to the Senator from Iowa that if I thought the creation of one board or five boards, or of all the boards mentioned, would settle the labor question, I would favor them.

Committees of employees and committees appointed by the management of the railways have been settling questions of disputes for years. They have been doing it, and if they can not settle them that way, you are not going to settle them by simply creating one, two, three, four, five, six, or seven more boards and paying the members large salaries. I do hope that this amendment will prevail, and that section 7 will be stricken out.

Mr. CUMMINS. Mr. President, I do not know whether the Senator from Kansas is opposed to the entire bill or not. The amendment he has proposed could have no other effect than to destroy the entire bill. I assume, therefore, in rising to discuss it seriously it is his purpose to overturn what I called the other day the central point in the bill, and I hope that the Members of the Senate will accept it accordingly and vote as their judgments tell them to vote upon that proposition. From the speech which the Senator from Kansas made two days ago, I assumed that his objection to the board of transportation was largely an objection of expense; but I now take it that I was mistaken with regard to that. Section 10 of the bill provides that—

Immediately after its organization, as aforesaid, the board shall prepare and adopt a plan for the consolidation of the railway properties of the United States into not less than 20 nor more than 35 systems, according to the policy declared in the last preceding section.

I need not read more than that, because I commented somewhat fully on this part of the bill in my opening statement. It will be remarked that this amendment does not, therefore, relate to the organization of the board so much as it relates to the plan of the bill, and I assume that the Senator intends to controvert, as certainly he has a right to controvert, the general principle which is involved in section 10.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield to the Senator.

Mr. CURTIS. May I state to the Senator that I covered Saturday the two objections that I had to the bill, and the question of combining the railroads I covered in that statement. I confined my remarks to-day more to the board, together with the authority it is given later to perform, which includes, among other things, as I stated a few moments ago, some 10 or 12 subjects that are now under the Interstate Commerce Commission, but are transferred to this board. Also it has jurisdiction to settle appeals from the other two labor boards that are created, as I understand it.

Mr. CUMMINS. I now understand the Senator from Kansas. I misunderstood him entirely two days ago. I would just as soon have the test of the bill come now as at any other time, because, as I understand it, if the motion of the Senator from Kansas is sustained, the bill is defeated, and we will have no legislation probably at this session of Congress, because I can hardly conceive that if it is recommitted to the Interstate Commerce Committee that committee would be able to deal with it successfully for quite a time to come.

Mr. President, I do not regard the observations of the Senator from Kansas as in any degree just. There are certain things that the Government must do. Those things are growing in number with every day. Every appeal that is made to Congress for relief involves some additional function on the part of the Government. It is therefore, as it seems to me, quite aside from the merits of this proposal to suggest we have a great many commissions. Undoubtedly we have, and we may have some that ought not to exist; but the work of the Government must be done, and who will do it?

We can not pass a law that administers itself. The day is long gone by when we can simply commit to the courts the administration of the affairs of the United States. There was a time in the history of the country when we needed no commissions, when we needed no boards, when a law which Congress passed could be applied to the individual through the medium of the courts. In those times the remedy was sufficient, but in this complicated and intricate scheme of society into which we have now developed that procedure is impossible. It presents no remedy whatsoever for the ills which the people of the country suffer.

The same argument was made against the creation of the Interstate Commerce Commission that the Senator from Kansas now makes against the transportation board. The debates of that time are full of objections to regulating or attempting to regulate the railways of the United States through the medium of an interstate-commerce commission. I assume that we will continue to hear these protests for all time to come.

All that I ask of the Senate is to consider whether this is a proper function of the Government; and if it is, what body can best perform it without regard to the number of useless

commissions which may now be in existence. Let us survey the situation intelligently and then decide not by reason of the existence of useless commissions but whether this particular board ought to be created.

In considering the argument of the Senator from Kansas I reverse the order in which he took up the matter. He is very much opposed to the committee on wages and working conditions and the three regional boards of adjustment. If there is any one thing about which the people of this country should be concerned it is the settlement of disputes between employers and employees when the dispute concerns the very existence of society.

Mr. CURTIS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Kansas.

Mr. CURTIS. Have not the railroads and the men been able for about 50 years to settle all their disputes?

Mr. CUMMINS. No; they have not, as I remember the matter.

Mr. CURTIS. It is my recollection that they have always been able to do so with the exception of two or three occasions.

Mr. CUMMINS. But the Senator from Kansas must remember that the real purpose of the bill is to forbid the strike. I do not know whether the Senator from Kansas is in favor of that policy or not. He has not mentioned that during the course of his remarks, and I have no right to infer what his position is with respect to it. But if we are to forbid the strike we must create a governmental tribunal, impartial and free, a tribunal that will adjudicate the merits of a dispute between the employer and the employee.

I should be the last man to advocate the prohibition of the right to combine for the purposes of influence with the employer if we do not at the same time provide a tribunal through which justice can be done to the employee. The whole plan of the bill, so far as that feature of it is concerned, is based upon the establishment of a court or a tribunal—I care not what it may be termed—that will do justice as between the employer and the employee. I am speaking now, of course, of the railway employer and the railway employee. That we must do if we are even to entertain the proposal to forbid the combination or the conspiracy which results in the common and simultaneous cessation of employment.

Mr. KING. Mr. President—

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. I hope it will not interrupt the Senator. I substantially agree with the position, just stated by the Senator, that there must be some tribunal having authority to determine the question of wages, and so forth, but the point that occurred to me as I read the provisions of the bill was this:

This tribunal is made up of employees and railroad officials. The public does not seem to be concerned or considered. It occurred to me that the Government having taken such a firm grip upon the entire railroad situation, treating the railroads of the United States as if they came under the jurisdiction of the United States, and that some sort of strong control ought to be exercised, there ought to be some provision made for the public to be represented upon these tribunals. I was wondering if that matter received attention, and what reasons the committee had for not giving the public representation upon these tribunals.

Mr. CUMMINS. Nothing was more carefully considered in the committee than the very thought suggested by the Senator from Utah. The public is not only represented in this plan for the settlement of disputes, but the public has the last and final word with regard to the matter.

Mr. CURTIS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Kansas.

Mr. CURTIS. As the Senator will remember, my suggestion is that the work of adjustment of salaries and wages, working hours, and labor conditions and the settlement of disputes should be left to the Interstate Commerce Commission after a failure to settle between the employees and the railroad companies.

Mr. CUMMINS. I am coming to that. That, of course, is simply varying the matter, and it does not, as I look at it, quite reach the point. I will continue my answer, however, to the Senator from Utah.

The transportation board is peculiarly a public tribunal. It represents the public. It represents no one else. It represents no class, but represents the organized Government, the public, the general good; and that is the reason why I am so insistent that it shall remain. The transportation board is the final arbiter. Even if there is absolute agreement between the members of the regional boards of adjustment and the members of the committee on wages and working conditions, nevertheless

their judgment or their finding must be approved by the transportation board before it becomes effective.

I think the Senator from Kansas probably has not closely observed what has taken place within the last few years. It is of the highest importance that in the first instance these controversies shall be considered by tribunals upon which the two sides to the controversy are represented—that is, by a tribunal made up of the classes that represent both sides of the controversy. The history of the last few years has shown that in tribunals so made up, in the very great majority of instances—I think the exceptions are so rare that they become negligible—there has been absolute unanimity as between the members of the tribunal representing the railway union and the members of the committees representing the railway corporations, or in this instance the Railroad Administration.

Mr. CURTIS. That is my contention, and that is why I say that they ought to be left to settle these questions.

Mr. CUMMINS. But, Mr. President, as they are now made up they are not Government tribunals, except as they have been appointed, and they are appointed, by the Director General of Railroads. When these properties are returned to their owners those committees must disappear necessarily. They are a part of the organization at the present time, and the bill, so far as it is thought wise by the members of the committee, perpetuates the same general plan, which is impossible after the railways are returned to their owners.

Now, Mr. President, I have a word to say, and a word only, with regard to the place which the transportation board occupies in this plan.

Mr. CURTIS. Mr. President, before the Senator proceeds with that discussion may I ask him a question? Why did the committee transfer to this board so many activities that are now under the jurisdiction of the Interstate Commerce Commission?

Mr. CUMMINS. We did it simply because we thought in that way the duties imposed could be more cheaply administered. The Senator from Kansas is a distinguished exponent of economy, and I will say to him that we did it because we believe that the duties allotted to them could be much more economically administered in the hands of the transportation board and much more effectively administered in the hands of that board. There is no sanctity about the Interstate Commerce Commission. I agree that it has or has had the confidence of the people, and I want it to continue to have the confidence of the people. It can not long have the confidence of the great general public, however, unless it can do its work with much more rapidity and much more promptly than it has done its work in former times. When it requires years to dispose of a rate controversy, as it has required in times past, the people will not be willing to suffer that delay very long. We have left with the Interstate Commerce Commission all that it can possibly do; we have left with it, in my judgment, more than it can do with promptitude.

We all realize that in the future the relations between the controlling or regulating board and the country must be more intimate and informal than they have been in the past. We must have a transportation board that can keep itself advised of the conditions of all the railways of the country, that can keep itself informed with regard to the necessities of every community in the land, and that can and will be inclined to take prompt action whenever the people in any part of the country are deprived of adequate facilities for transportation. We have had no such tribunal in the past. We may not have thought it necessary. We have charged the Interstate Commerce Commission with no such duties, and I do not think it would be wise to do so.

The Interstate Commerce Commission is in its essence a judicial tribunal, and it can not act in that summary way in which some board must act if the railroads of the country are compelled to do what they ought to do in furnishing transportation to all parts of the country.

Mr. CURTIS. If I may interrupt the Senator for just a moment, I desire to say that on Saturday I did not have the bill before me when I made my motion. I now see it is section 7 I desire to move to strike out instead of section 10. I was stating my motion from memory, and a fellow Senator has just called the matter to my attention. The argument, however, is just the same.

Mr. CUMMINS. Does the Senator desire to change his motion?

Mr. CURTIS. I repeat, it is section 7 of the bill which I desire to amend.

Mr. CUMMINS. I have no objection to the Senator changing his amendment. What I am now saying would be applicable

to an amendment of the kind now offered. Is it then understood that the amendment of the Senator from Kansas is to strike out section 7?

Mr. CURTIS. I desire to modify my amendment so as to make it apply to section 7 instead of section 10.

Mr. CUMMINS. What I am now saying will be strictly applicable to that amendment, which I sincerely hope will not be adopted.

We have reached the time in this country when the regulation of our railways must be more efficient than it has been in the past. We have suffered year after year from delinquencies in this respect. I am not accusing the Interstate Commerce Commission of a failure to do its duty, but we have not laid upon the Interstate Commerce Commission, nor can we properly lay upon that commission, the duties which are required of the transportation board in this bill. We want a Government tribunal which will know just what is being done in transportation in every part of the country. If a sidetrack is needed at one point, we want a board that can order it; if an extension is needed somewhere else, we want a board that has sufficient knowledge to determine whether or not it ought to be built; if there is a shortage of cars in one part of the country, we want a board which has kept itself so advised of the transportation situation that it can order the cars.

We have conferred upon this board the widest powers with regard to the disposition of the transportation facilities in the United States; and, after years of somewhat careful study of the subject, I say that it would be utterly impossible for the Interstate Commerce Commission to perform these duties.

It would not only be impossible, but it would be in the highest degree inappropriate, because the Interstate Commerce Commission must be the final judge of the revenues which these companies are entitled to receive. It acts after complaint; it acts upon hearing; it acts after evidence is introduced. It is in every way comparable with a judicial tribunal. The transportation board, on the other hand, is intended to act—if I may use the term, although I hesitate to use it—as a Government general manager of the railways of the country. I do not mean a general manager in the sense that it is to interfere with the ordinary movement of trains, but it is a general manager in the sense that it is watching for the public what should be added to our transportation facilities and opportunities as well.

I think the Senate would commit a grave error if it were to disintegrate this bill in the way suggested by the Senator from Kansas. I know that the House has not thought proper to provide for a transportation board; but I repeat what I said, I think before the Senator from Kansas came in, that every man, so far as I can remember, without exception, who has spoken before the committee upon the subject at all—I now refer to those who represent not the railway companies but the public in a qualified sense—has insisted that we organize a transportation board that would have in this broad way the supervision of the physical property—that is, the supervision of the physical operation—of the railroads, so that each could be made to conform to the law, and so that whatever was needed could be done with promptitude and the facilities be furnished that ought to be furnished.

If we commit this responsibility to the Interstate Commerce Commission we must simply divide the present commission into sections; everyone understands that; and there would be no more security to the public in making divisions of the Interstate Commerce Commission into sections of two or three or four than there is in creating the additional board. The truth is that we would shortly have to increase the Interstate Commerce Commission to 15 or 20, and they would operate not concurrently, not jointly, but would operate through sections or divisions. It has the right now, under a law which we passed, to operate through sections, and that movement would continue until we would have a great, unwieldy, inharmonious, disconnected body that would be, as it seems to me, far less efficient than the transportation board for which we have provided.

This bill provides that after the consolidation of the railways which is proposed is complete, then the number of the board is reduced to three automatically, and we would then have an Interstate Commerce Commission of nine members—and I think that might well be reduced to seven in the event this bill passes and these duties are assumed by the transportation board—and a transportation board of three members. I shall very much hope that the amendment of the Senator from Kansas will not prevail.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas to strike out section 7.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? Mr. LA FOLLETTE. Mr. President, I call for a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harrison	Moses	Spencer
Beckham	Johnson, Calif.	Myers	Sutherland
Capper	Jones, Wash.	New	Swanson
Chamberlain	Kellogg	Norris	Thomas
Colt	Kenyon	Nugent	Townsend
Cummins	Keyes	Overman	Trammell
Curtis	King	Page	Underwood
Dial	Kirby	Phipps	Wadsworth
Edge	Knox	Pomerene	Walsh, Mont.
Elkins	La Follette	Ransdell	Watson
Frelinghuysen	Lenroot	Sheppard	Williams
Gay	Lodge	Shields	
Hale	McKellar	Smith, S. C.	
Harding	McNary	Smoot	

Mr. SHEPPARD. The senior Senator from North Carolina [Mr. SIMMONS] is detained from the Senate on official business.

Mr. WALSH of Montana. I desire to announce that the Senator from Nevada [Mr. PITTMAN] is absent from the Senate and the city to-day by reason of the serious illness of his brother.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. NEWBERRY] and his pair with the senior Senator from Missouri [Mr. REED]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. Mr. President, on the passage of the bill, since it has arrived at that stage, I ask for the yeas and nays.

Mr. LENROOT. Mr. President, I move to reconsider the action by which the bill passed from the Committee of the Whole into the Senate.

Mr. UNDERWOOD. Mr. President, I desire to make a point of order. I have no doubt the Senator's motion will be in order later on, at some other stage; but the request of the Senator from Iowa was before the Senate, asking for the yeas and nays on the passage of the bill, and I ask what conclusion was reached on that request?

The VICE PRESIDENT. There was not any, because the Chair did not count the hands that were up.

Mr. UNDERWOOD. Must not that request be disposed of prior to anything else?

The VICE PRESIDENT. The Chair thinks so.

Mr. UNDERWOOD. I ask, then, that that be done.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LENROOT. If this vote is reconsidered and the bill goes back to its original stage, would the action of the Senate with reference to ordering the yeas and nays any longer obtain?

The VICE PRESIDENT. The Senate several years ago overruled the opinion of the Presiding Officer on that question, and held that it would stand for the final vote. It only means that when the vote is taken it will be by yeas and nays.

Mr. LODGE. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. I was not here when the Senate acted. Has the bill passed the third reading?

The VICE PRESIDENT. It has, and is on its final passage.

Mr. LODGE. Then, of course, a motion to reconsider the vote by which it went into the Senate would not be in order. It would be necessary to reconsider the third reading.

Mr. LENROOT. I first move, then, to reconsider the vote by which the bill passed to a third reading.

The VICE PRESIDENT. The pending matter is the request of the Senator from Iowa [Mr. CUMMINS] for the yeas and nays on the final passage of the bill. Is it seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. Now, the Senator from Wisconsin [Mr. LENROOT] moves to reconsider the vote whereby the bill passed to its third reading. [Putting the question.] The Chair is in doubt.

Mr. KING. Mr. President, is this question subject to debate?

The VICE PRESIDENT. The Chair knows no reason why it is not subject to debate.

Mr. TOWNSEND. Mr. President, as I understand, there are Senators here who desire to discuss this bill who have some further amendments, and the action was taken when there were very few Senators in the Chamber. It seems to me, in the interest of expedition and proper legislation, that this motion to

reconsider the vote by which the bill passed to its third reading should be adopted. I think we will expedite business in that way, and certainly we will get a better feeling and a better understanding of the measure.

Mr. CUMMINS. Mr. President, I have not opposed the restoration of this bill to the point at which amendments can be made. It is true that there were few Senators here when the Senate acted. That, however, was not my fault. It has been known from the beginning that I intended that we should proceed as rapidly as possible toward the disposition of the bill, and it was not my place to sit here and object to the bill going forward to the stage which it has now reached, inasmuch as no one presented any amendment whatever to it.

I shall not object to the motion of the Senator from Wisconsin, which, as I understand, will put the bill in the Senate and open to amendment. I shall object, however, to any motion that will restore it to the Committee of the Whole. Amendments are in order in the Senate, just as they are in Committee of the Whole, and I do not care to retrace our steps further than is absolutely necessary.

The VICE PRESIDENT. The Chair will put the question again and see if he can reach any conclusion. The question is on the motion of the Senator from Wisconsin [Mr. LENROOT] to reconsider the vote whereby the bill passed to a third reading.

The motion to reconsider was agreed to.

Mr. LENROOT. Now, Mr. President, I move to reconsider the action by which the bill passed from the Committee of the Whole into the Senate, and upon that motion I desire to say this:

No more important piece of domestic legislation, probably, was ever presented to the Senate of the United States. There are some of us who desire to participate in the debate of this bill and to offer amendments to it. We had every reason to believe that when the Senate has occupied months and months of time upon bills of very much less importance than this there would be some opportunity, further than has yet been offered, for the debate of the bill and the consideration of amendments. It is well known that we had no opportunity during the last session of Congress, while the peace treaty was before us, to give consideration to the details of this bill, and we ought to have at least a fair opportunity, further than we have yet had, to consider the bill in Committee of the Whole.

Mr. WILLIAMS. Mr. President, it is true that the Senate of the United States wasted a whole lot of time upon the treaty of peace. It is furthermore true that the Senate of the United States is in the habit of wasting a lot of time upon every subject which is presented for its consideration. It may be true that the Senate has wasted a lot of time upon this particular bill.

I am not one of those who have been constantly present and constantly seeking for an opportunity to amend this bill, but ever since this particular session of Congress met we have been considering this bill. There has been ample opportunity for every Senator to be present. Those Senators who were not present were not present because they voluntarily chose not to be present. This bill was brought before the Senate in the regular way, was considered in the regular way, and has reached its present stage in the regular way; and there is no excuse for any Senator, except his own neglect of duty—neglect of duty in the way of being absent, neglect of duty in the way of considering the evidence, neglect of duty in the way of being prepared with an amendment, whatever the neglect of duty may be—there is no excuse for any Senator, except a neglect of duty, in undertaking now, at the eleventh hour of the consideration of this bill, to start it all over again with an infinitude of senatorial talk about very nearly nothing. The bill has reached its present stage by regular course. Every Senator had a right to be present; but that was not all, every Senator had a duty to be present if he had an amendment to offer, and if the Senator from Wisconsin was not present it was his own fault. If I were not present, it would be my own fault.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. WILLIAMS. Of course.

Mr. LENROOT. The Senator from Wisconsin will say to the Senator from Mississippi that he has been much more regular in attendance on the sessions of the Senate than the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, that is a mere ad hominem observation, which carries no weight and no influence with it. The Senator may have been much more often present—and I should like to have the attention of the Senator from Wisconsin, because his interruption was a bit personal—it may be true that the Senator from Wisconsin has been present more studiously than the Senator from Mississippi; but the Senator from Missis-

issippi is not complaining of the fact that he was not present, and the Senator from Wisconsin is complaining of the fact that he has not been present. Whenever I choose to abstain from attendance upon the Senate, I choose to do it because I know that my presence is not absolutely necessary to the conduct of the public business at that particular moment. Whenever the Senator from Wisconsin chooses not to be present, he occupies an air to the effect that his presence was absolutely necessary to the conduct of the public business at that particular moment. There is a wide divergence.

Mr. President, taking my entire membership in this and the other House of Congress, I deny that the Senator from Wisconsin has been more studiously present than I. I have been present always whenever there was anything that I cared about interfering with, that I cared about amending, that I cared about inaugurating, that I cared about instituting or reinstituting. And I never have been known to plead the baby act.

But after the Senate of the United States or the House of Representatives had been considering a bill this long, over a week—and a week is a long time; it is the fifty-second part of a year—I have never felt that I have a right to come in at the last moment and say, "Mr. President, have pity upon me, poor little me. There has been pending a bill for a week or more, and I have not had an opportunity to say my little say about it and offer my little amendments to it." Nobody has ever caught me in that sort of an attitude, and that is the attitude which the Senator from Wisconsin now occupies.

What is this great deliberative body, anyhow? Can it do anything except deliberate? If it can, nobody has found it out. This bill ought to have been disposed of in three or four days. There is not a Senator of average intelligence in this body—and I say "average intelligence," with the emphasis upon the "average," for the benefit of the Senator from Wisconsin, who has not read the bill, who did not know where he stood upon every phase of it, who was not ready to vote upon every clause of it, and who, if he had any amendments to offer, did not have his amendments ready, and if there be a Senator here who occupies a different attitude he ought to have stayed at home.

While the league of nations question was being presented at the last Congress the Senator from Wisconsin, I presume, was thinking on the side about this legislation; at least everybody fit to be a Senator of the United States was thinking about it, ready to take it up just as soon as the malicious and venomous attempt to defeat the peace of the world had succeeded. He knew beforehand his opinions on the subject, and was ready to advance them.

Now, for God's sake, Mr. President, whenever the Senate can get ahead and to a point where it can dispose of something—and that is but once in 10 years—let at least my voice be raised to let the game go on to its finish.

Every Senator here who knows anything about the present bill, whether he learned a little about it inside of the Senate from idle talk or whether he learned a good deal about it outside of the Senate from deep reflection, knows what he wants to do. We have reached the present parliamentary stage, and I for one do not want to go back to another parliamentary stage and begin it all over, with a chance that Senators may talk two weeks more, not with the object of enlightening one another, not with the object of enlightening the country, but with the object of getting certain verbalities into the CONGRESSIONAL RECORD.

Mr. THOMAS. Mr. President, I was absent from the Chamber on committee business when the last vote was taken. I have been fairly regular in my attendance upon the sessions of the Senate, however, since this bill became the unfinished business. I heard the greater part of the presentation of the subject by the Senator having charge of the bill, feeling that it was one of the most tremendously important measures to come before us. The Senator from Iowa [Mr. CUMMINS] spent the greater part of three days in his speech upon the bill. It was exhaustive, it was illuminating, it was well prepared, and whether his auditors agree with him or not they must certainly concede that he has given the subject the most intensive study and was thoroughly prepared to discuss all its features, and did discuss all its features when he presented it to our consideration.

I think I can say with propriety and within bounds that except immediately after roll calls scarcely 10 Senators remained, on the average, to listen to what I consider one of the most important and one of the most informing discourses that I have heard since I have been a Member of the Senate. I wondered that the attendance was so small, for certainly there is no man who belongs to this body who does not appreciate how vastly important this measure is.

I tried to listen to the junior Senator from Minnesota [Mr. KELLOGG], who followed the Senator from Iowa with a very full and equally important discussion of the measure from his standpoint. I was not able, on account of committee work, to avail myself of the opportunity to hear all that the Senator from Minnesota had to say; but I have read the portion which I did not hear, and I owe him a very considerable debt for the illuminating character of his speech. He has evidently given it the greatest thought, and his views concerning it, both as a whole and in detail, are invaluable to me in determining my course upon the measure.

This afternoon the Senator from Montana [Mr. MYERS] addressed the Senate upon one feature of the bill for two hours—that is, on what is called the labor part, a very important portion of it—and during the Senator's discussion there were not to exceed six Senators upon the floor to listen to him at any one time. Yet his speech was one of absorbing interest. As a member of the committee he has also studied the proposition, and while the bill does not commend itself entirely to his approval, he nevertheless is sufficiently acquainted with it to give those who are not members of the committee a comprehensive idea of his point of view.

I have been amazed that a bill like this, dealing with the great transportation systems of the United States, involving not only hundreds of millions but literally billions of dollars and affecting the future industrial and economic and perhaps the social welfare of the entire country, should have received this discussion while the seats of Senators were practically vacant.

Under these circumstances I am not disposed to vote to carry the bill back to the Committee of the Whole, and particularly in view of the rules of the Senate, which permit amendments to be offered and discussed in the Senate. I have no doubt that a great many Senators were absent because of committee duties, and I have no doubt that many, knowing what the habits of the Senate for interminable debate have been, did not return to this session as early as they otherwise would have done. For my part I think that the progress which has been made on the bill constitutes a sort of landmark in senatorial work, and while I have no doubt that the bill could be improved by amendments, and certainly by discussion, I do not think the fault is either with the Senate or with the Senator having charge of the measure.

I recall that at the last session the Senator from Iowa notified this body on two occasions that just as soon as the treaty was disposed of he proposed to press the bill for consideration, and to keep it before the Senate constantly, if that were possible, until it was finally disposed of. There is a warning twice uttered. The Senator was justified in calling attention to the fact, for the reasons which I have stated. I think, therefore, that we should proceed from the stage which the bill has reached until it is finally disposed of.

Mr. CUMMINS. Mr. President, I suppose that I need not say a word further with regard to the importance of this subject. I have already exhausted all the adjectives I can command in order to impress the Senate with the importance of a speedy disposition of this measure.

Now, let us hear a little history about it. I think no one can accuse me of desiring to be unfair or desiring to prevent the latitude of debate which is necessary in order to fully explain the subject or to view it from every standpoint that any Senator can occupy. As the Senator from Colorado [Mr. THOMAS] has said, I did my best at the last session to advise the Senate that at the earliest opportunity I would bring the bill up for consideration. In the closing hours of the last session it was made the unfinished business, and the calendar of the Senate notified every Senator of its position in the business of the body.

Last Tuesday, having allowed it to go over Monday in order to conform to what seemed to be the proprieties of the opening of the session, I called it up formally at 2 o'clock, and I discussed it for three days, viewing it from every possible standpoint and explaining as fully as I am capable of doing anything my understanding of the bill and what it provides for. It was with the greatest difficulty that a quorum was maintained or secured at any time. Senators appeared to have so little concern with the subject that it seemed well-nigh impossible to secure their attendance in the Senate long enough to answer a roll call. I did not complain of that. I went forward with my opening statement as well as I could without any considerable number of Senators being here.

On Friday morning a Senator came to me and indicated that he would not be able to begin his discussion of the subject until Monday. I felt then that there was great danger that the bill might come to a final disposition on Friday or Saturday. The

Senator from Minnesota [Mr. KELLOGG] made his address when he did largely at my suggestion in order that there might be given the completest opportunity for anyone in the Senate or in the city of Washington to prepare amendments and to present them. To use a familiar expression, I "eased" the matter over Friday and Saturday with the suggestion that on Monday I expected the bill to go forward in the regular way.

We took it up to-day at 2 o'clock. The Senator from Montana [Mr. MYERS] made an address upon it, and as I remember there were about three Senators here most of the time listening to his address. Then came the amendment proposed by the Senator from Kansas [Mr. CURTIS]. He discussed it, and I did so with as much fullness as seemed to me to be necessary, and it was submitted to a vote and the amendment was rejected.

What was I to do? I could not rise and say that because Senators did not see fit to present amendments which they might desire to present I wanted a suspension of proceedings. I simply allowed the bill to go then according to parliamentary procedure, and it proceeded to the point at which it was actually submitted to a vote and was about to be voted upon, when the Senator from Wisconsin [Mr. LA FOLLETTE] raised the question of the absence of a quorum.

I did not oppose the motion of the junior Senator from Wisconsin [Mr. LENROOT] that the action on the third reading of the bill should be reconsidered so that the bill might be in the Senate and open to amendment. It is now open to amendment. Any Senator can offer any amendment that he desires to present, and he can debate it at any length that he desires to debate it, but I am opposed to retracing our steps further than is necessary in order to give an opportunity to offer amendments and for debate.

With this short recitation of the history of the matter, I hope that the present motion of the junior Senator from Wisconsin [Mr. LENROOT] will be defeated, and that we may go forward with the bill with such amendments as may be offered and with as much speed as is consistent with a full understanding of the subject.

Mr. WILLIAMS. The Senator from Colorado [Mr. THOMAS] primarily and the Senator from Iowa [Mr. CUMMINS] incidentally are mistaken about one thing. A paucity of attendance in the Senate does not indicate a lack of interest in the subject matter nor a lack of knowledge about it. It generally indicates exactly the opposite.

When Senators have made up their minds about a bill and about its provisions, they stay in their offices and attend to their ordinary routine business which must be attended to or to their business downtown with the departments. When a question presents itself which is new to the average Senator, he attends, listens acutely to the discussions, and tries to make up his mind; but when a question presents itself like this one, concerning which he has long since made up his mind, he does not go any further than to read the Record. The Senator from Colorado seems to think that unless a Senator can hear a speech by some one, that he can not be informed. There are a few of us who can read better than we hear, and some few of those have read the speech or the several speeches, rather, on several days made by the Senator from Iowa, not with a view of getting any fresh information upon the subject matter which if they were men of every-day intelligence they already had, but with the view of seeking reinforcement of their present opinion or with the view of seeking reasons why they should oppose the present opinion of the chairman of the committee.

One of the heterodoxes of public life, it is true, is that a paucity of attendance in the Senate generally indicates a knowledge of the subject matter. The average Senator is not an ass. He wants information. If he has not got it already, he attends the Senate in order to get it. Upon this particular bill he already had it.

Every man in the Senate knows about the cardinal points of the bill. He knows whether he wants a league of peace amongst the industries of the Nation or not, or whether he desires to leave the question of transportation, upon which depends the milk of babes and the food of adults in the great cities of the United States, to depend upon strikes. He knows that already. If he does not know that, he is unworthy to sit here.

Knowing it already, he has no great ambition to attend the Senate day after day and hear men spout about it. Why should he? When a man is capable of thinking for himself and is acquainted with the subject matter, why should he neglect his correspondence and his departmental work to hear other men give their views upon a subject concerning which he has formed his opinion and formed it indisputably.

Mr. President, this is a wonderful body. Disraeli wrote his "Curiosities of Literature," but if anybody wants to write a book entitled "Curiosities of Legislation," he would write a history of the Senate of the United States during the last three years. "Curiosities of Legislation"—one Senator pretending like he has come into the Senate to hear another Senator talk about something that does not interest him and concerning which he has formed his own opinion; a man getting up in the Senate to talk not with the idea of informing the Senate and not with the idea of informing the country, but with the idea of semi-informing himself, is an actor in this drama book entitled "Curiosities of American Legislation."

The Senator from Colorado [Mr. THOMAS] is entirely wrong when he thinks that the absence of Members from this Chamber indicates a lack of interest in the subject matter. It generally indicates that they have taken an interest in the subject matter and have already come to a conclusion. That is proven by the fact that whenever you get a bill up on a *vive voce* vote, with trick amendments offered every now and then, the Senate is full of its Members, because every Senator wants to be there on that particular question. He has not considered it; he wants to hear what is said about it.

But when you come to a great question that the country has considered, that capital and labor and the public have considered and concerning which they have come to a conclusion in the opinion of the individual Senator, then he does not want to waste his time hearing another Senator verbalize.

There is no question presented to the Senate since I have been here that has been more thoroughly considered than this one, by the Senators, by individuals, by the newspapers, by the laboring men, by the capitalists, by the consuming public; and I deny that we ought to go backward in order to enable somebody like the Senator from Wisconsin, who imagines he has neglected to say something that he thinks is of great importance, to get an opportunity to say it.

I have not uttered a word upon the bill; I am not uttering a word upon it now, much; but I deny that simply because I am not gifted with an acute sense of hearing, I can not read. I also deny that because I am satisfied with my own opinion concerning the subject matter, that it is absolutely necessary for me to listen to somebody else's verbalization of his opinion—and "verbalization" is about the right phrase for it.

I do not know what one day's session of the Senate costs. I have never counted it up. I do know the annual expenses of the Senate of the United States are three times those of the House of Lords of Great Britain. I once had occasion to count that up when I was chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, and I put it in the RECORD long ago.

Why should the people be taxed to hear just mere verbulogy? When a man is here ready to vote, and when there is no issue on the particular question of real substantial importance, every amendment that any Senator wants to propose can be proposed and can be voted upon, and every amendment, according to the sacred and divine rules of the Senate, can be discussed *ad infinitum*—a sacred and holy right which nobody in all the world outside of the Senate reverences, worships, or icons.

It is said, or it was said at one time—though it is old-fashioned theology now—that God made man in His image. Later on some skeptic said that man made God in his image. If the Senate has made a god in its image, it is a work of the word—verbulogy, verbalization, constant talking, and constant talking to people who do not want to hear it, and generally constant talking to people who doubtless know more about the subject matter than the man who is talking.

So far as I am concerned, I am opposed to going one step backward, not only with this question but with any other, after this august and utterly impotent body has reached a certain stage in its part of legislation.

Mr. FRELINGHUYSEN. Mr. President, I do not know what are the plans of the Senator from Iowa [Mr. CUMMINS]; whether he intends to press this question to-night or to move a recess.

Mr. CUMMINS. I have no hesitation in telling the Senator from New Jersey what my plan is. If it is satisfactory to the Senate, as soon as the Senator from New Jersey shall have concluded his address I intend to move to take a recess until to-morrow morning at 11 o'clock.

The VICE PRESIDENT. There is a motion now pending.

Mr. CUMMINS. I presume, however, that a motion to take a recess would be in order even though there be a motion pending.

STRIKE OF COAL MINERS.

Mr. FRELINGHUYSEN. Mr. President, I desire to speak on the motion of the Senator from Wisconsin [Mr. LENROO] that the vote whereby the Senate passed the pending bill from the

Committee of the Whole to the Senate be reconsidered. Debate upon the advisability of that motion will undoubtedly delay the Senate for some time. The question I wish directly to bring before the Senate, however, in that connection is the proposed settlement of the coal strike which is now pending. In view of the lateness of the hour, I shall occupy the time of the Senate for only a few moments.

In view of the fact that it has fallen to my lot to study the coal situation, as chairman of the subcommittee of the Committee on Interstate Commerce which has been investigating this question, I had intended to address the Senate at some length to-day, presenting certain facts which should be in its possession and the possession of the public. However, in view of the fact that we are assured that negotiations are now on foot which are likely to bring the strike to a speedy end, I shall defer the remarks I had intended to make to some future occasion; but I wish to make a general statement for the information of the Senate and the country as a whole.

The existing strike is contrary to solemnly executed contracts between officials representing the mine owners and the United Mine Workers.

It is contrary to the advice and warning of the President.

It was carried into effect on the threshold of winter, when, by the stoppage of production, our transportation systems and our industries are crippled and great suffering and probably death will be the lot of tens of thousands.

It was begun in spite of the fact that the miners have already been given during the war wage advances aggregating 58 per cent. It has been precipitated upon the country in spite of the fact that the miners are now the best-paid workers in the United States, their wages running from \$1,300 to \$4,000 a year and averaging over \$1,500 according to official statistics. It has been conducted for over a month in defiance of governmental authority and the decree of the Federal courts.

Dr. Garfield offered the miners an advance of 14 per cent, which they refused. I do not think such an offer was justified. The miners are not entitled to it. It is true this increase is not to be directly chargeable against the public, but against the mine operators. In the final analysis, however, the public will pay.

If the operators are earning too much and the miners are earning enough, as I am sure they are, the public should get the benefit of this 14 per cent, through a reduction of the price of coal. Instead of making such a reduction to the consumers, either now or hereafter, it is proposed to tie up the coal industry to the payment of this increase for two or three years under the contract which will be entered into.

I am more than anxious to learn the terms of the "deal" which I understand has been made between officials of this administration and the United Mine Workers. I look upon it with dread and fear its consequences.

In a public statement issued October 26, 1919, President Wilson said:

A strike under these circumstances is not only unjustifiable, it is unlawful.

I agreed with him then and agree with him still. The strike was an "unlawful" act, and the continuance of the act was even worse—it was contempt of court and a revolutionary act of defiance.

If the representatives of the administration have entered into negotiations with these outlaws—for such are men guilty of "unlawful" acts—prior to their calling off this outrageous strike, then have they been guilty of a deplorable act, which will return to plague them in the months to come and which will be fraught with evil consequences to this country and its citizens.

There are two primary conclusions that I have reached. First, this strike is an unconscionable and brutal menace to the happiness, the comfort, yes, the lives, of hundreds of thousands of American citizens—men, women, and children—in no way a party to the existing controversy and in no manner responsible, not even in the slightest degree, for the conditions, actual or imaginary, which brought about this crisis. Thus the strike in this instance is an exhibition of inhuman selfishness which should awaken the indignation and arouse the antagonism of every right-thinking American citizen. Secondly, this strike, under the circumstances which characterized its inception and those attendant upon its subsequent conduct, has involved such an obvious rebellion against the law of the land and against the authority of the United States Government that we may well take pause to consider whether or not the seeds of revolution in this country have not only been planted but that the harvesting time is now at hand.

In many foreign lands to-day we see, as we have seen for some years, all the instincts of humanity and civilization ignored and trampled under foot, and the spirit of intolerable greed, of

bestial selfishness, become the ruling passion among men, with all the finer emotions of life cast to the winds. Thus innocent men, women, and children have been made the plaything of malice, to be crumpled and crushed and tossed aside, as though made of some base material instead of in the likeness of God.

So, too, in many foreign lands we have the hydrahead of revolution uplifted and upon the right hand and the left law and order have been laughed to scorn, threats against the government have been uttered and conspiracies concocted, all aiming at the subversion of lawful authority and the rule of forces which are but the harbingers of chaos and anarchy.

In what respect is the situation in America to-day different?

In soviet Russia they shoot down men, women, and children in cold blood. In America they commit an act which, in the final analysis, if consummated, will freeze and starve to death thousands, yes, tens of thousands; and, of course, it will be the weaker ones, the women and children, who will suffer most.

Wherein, Mr. President, is the course of those strikers less heinous than that of their brother conspirators in Bolshevik Russia?

In this controversy the fundamental problem is not an economic one. It is not a question of wages or profits. The real issue presented involves a continuance of a government of law and order, the rule of the majority, the preservation of our cherished institutions, the protection of our homes and those dearer to us than life itself.

In the settlement of the matter we can not afford to compromise or temporize with outlaws. If any American official, high or low, shall, for personal or partisan advantage, engage in trafficking with the enemies of constitutional government, then shall his name be anathema through all the ages to come.

In all seriousness, Mr. President, we should ask ourselves: Are we becoming a Nation of outlaws? Is the day near at hand when our laws shall be flouted without let or hindrance? Shall the Constitution, so long held to be a sacred document and the protector of our liberties, be justly looked upon as a scrap of paper, to be derided and cast aside as a bauble not worth preserving? Are we in America on the threshold of an era when government shall be treated as an unwelcome thing, anarchy the only desirable state, and license the solitary rule of human conduct?

Never ended a great war so disastrously. Never before was a titanic struggle among men followed by such a state of world anarchy. Speaking in the Senate two years ago, September 3, 1917, I said:

I am willing, Mr. President, to help make the world safe for democracy, but I am not willing to make it safe for socialism. Socialism is no more the twin brother of true democracy than is autocracy.

I say here and now that it behooves us to prove that the war was not a lamentable failure, that those who gave up their precious lives did not make the supreme sacrifice in vain; that the war did in truth "make the world safe for democracy."

We have by no means demonstrated this. It remains for those in authority to demonstrate it. It remains for the executive branch of the Government to demonstrate it. It remains for this Congress to demonstrate it. If we fail, through personal fear or personal ambition, in the performance of this solemn duty, then sad, indeed, will be the lot of America in the years to come, and wretched will be the legacy which we will leave to our children and our children's children.

EXECUTIVE SESSION.

Mr. CUMMINS and Mr. LODGE addressed the Chair.
The PRESIDING OFFICER (Mr. SUTHERLAND in the chair).

The Senator from Iowa.

Mr. CUMMINS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. LODGE. Will the Senator withhold that motion? I desire a brief executive session in order to dispose of some nominations. Then, of course, I shall be glad to have the motion made.

Mr. CUMMINS. Very well; I withhold the motion for that purpose.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, December 9, 1919, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate December 8, 1919.

COLLECTOR OF INTERNAL REVENUE.

William E. Byerly, of Velva, N. Dak., to be collector of internal revenue, district of North Dakota. New office.

UNITED STATES DISTRICT JUDGE.

Charles E. Bunnell, of Fairbanks, Alaska, to be United States district judge, District of Alaska, division No. 4. A reappointment.

UNITED STATES MARSHAL.

Edward Albright, of Gallatin, Tenn., to be United States marshal, middle district of Tennessee.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 8, 1919.

SECRETARIES OF EMBASSY OR LEGATION FOR PROMOTION IN THE DIPLOMATIC SERVICE.

FROM CLASS 2 TO CLASS 1.

Jefferson Caffery, of Louisiana.
Franklin Mott Gunther, of Virginia.
Warren D. Robbins, of Massachusetts.
Frederick A. Sterling, of Texas.
Hugh R. Wilson, of Illinois.

FROM CLASS 3 TO CLASS 2.

Elbridge Gerry Greene, of Massachusetts.
Hallett Johnson, of New Jersey.
Stewart Johnson, of Illinois.
John F. Martin, of Florida.
Oscar L. Milmore, of the District of Columbia.
Richard E. Pennoyer, of California.
Albert B. Ruddock, of Illinois.
H. F. Arthur Schoenfeld, of the District of Columbia.
Sumner Welles, of New York.
John Campbell White, of Maryland.
L. Lanier Winslow, of New York.

FROM CLASS 4 TO CLASS 3.

Philander L. Cable, of Illinois.
Williamson S. Howell, jr., of Texas.
G. Howland Shaw, of Massachusetts.
Curtis C. Williams, jr., of Ohio.
Joseph W. Carroll, of New York.
Samuel S. Dickson, of New Mexico.
J. Theodore Marriner, of Maine.
Henry I. Dockweiler, of California.

CLASS 4.

F. Lamot Belin, of Waverly, Pa.
Pierre de L. Boal, of Boalsburg, Pa.
Curtis C. Jordan, of Eagle Rock, Calif.
Robert F. Kelley, of Jamaica Plain, Mass.
Benjamin Reath Riggs, of Philadelphia, Pa.
Harry W. Robbins, of Minneapolis, Minn.
Herman U. Sartorius, of Brooklyn, N. Y.
William Shea, of Brockport, N. Y.
Frederick V. Slocum, of Ann Arbor, Mich.
George Wythe, of Weatherford, Tex.

HOUSE OF REPRESENTATIVES.

Monday, December 8, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, touch the spark of divinity which Thou hast woven into our being with a flame of sacred fire, which shall illumine our minds, clarify our hearts, and bring us into closer communion with Thee.

Blessed are the pure in heart, for they shall see God—understand His purposes and be inspired to larger life, greater faithfulness and efficiency in the work He has given us to do.

There lies in the center of each man's heart,
A longing and love for the good and pure;
And if but an atom, or larger part,
I tell you this shall endure—endure—
After the body has gone to decay—
Yea, after the world has passed away.

And nothing that ever was born or evolved,
 Nothing created by light or force,
 But deep in its system there lies dissolved
 A shining drop from the Great Love Source;
 A shining drop that shall live for aye—
 Though kingdoms may perish and stars decay.

Amen.

The Journal of the proceedings of Friday, December 5, 1919, was read and approved.

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. NO. 166).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying document, was referred to the Committee on Appropriations and ordered printed:

To the Senate and House of Representatives:

In compliance with the provisions of the act of March 3, 1915, making appropriations for the naval service for the fiscal year ending June 30, 1916, I transmit herewith the Fifth Annual Report of the National Advisory Committee for Aeronautics for the fiscal year ended June 30, 1919.

The attention of the Congress is invited to the suggestion of the committee that the appendixes of the report be published with the report as a public document; and to the recommendations of the committee in the closing paragraphs of the report which have my approval.

WOODROW WILSON.

THE WHITE HOUSE,
 5 December, 1919.

WOMAN-SUFFRAGE AMENDMENT.

The SPEAKER laid before the House a communication from the secretary of state of South Dakota announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

LEAVE OF ABSENCE.

Mr. McLAUGHLIN of Nebraska, by unanimous consent, was granted leave of absence for one day on account of important business.

ANTIDUMPING LEGISLATION.

Mr. FORDNEY, from the Committee on Ways and Means, presented a report on the bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3458. An act to make gold certificates of the United States payable to bearer on demand legal tender;

S. 2902. An act to amend section 5182, Revised Statutes of the United States; and

S. 2756. An act to prescribe the method of capital punishment in the District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9822. An act to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication; and

H. R. 3754. An act to amend sections 8 and 21 of the copyright act, approved March 4, 1909.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2756. An act to prescribe the method of capital punishment in the District of Columbia; to the Committee on the District of Columbia.

S. 3458. An act to make gold certificates of the United States payable to bearer on demand legal tender; to the Committee on Banking and Currency.

S. 2902. An act to amend section 5182, Revised Statutes of the United States; to the Committee on Banking and Currency.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House

of Representatives that the President had, on December 5, 1919, approved and signed bill of the following title:

H. R. 9821. An act to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that, December 6, they had presented to the President of the United States for his approval the following bill:

H. R. 6857. An act to authorize the change of the name of the steamer *Charlotte Graveraet Breitung* to *T. K. Maher*.

LEAVE TO ADDRESS THE HOUSE.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that on January 5, after the reading of the Journal and disposition of matters on the Speaker's table, and subject to the right of way of conference reports and other privileged matters, I may be permitted to address the House for 15 minutes, and that on the conclusion of my remarks the gentleman from Massachusetts [Mr. LUCE] may speak for a like time.

The SPEAKER. The gentleman from Maine asks unanimous consent that on January 5, after the privileged business, he be allowed to address the House for 15 minutes, and that thereupon the gentleman from Massachusetts [Mr. LUCE] be allowed the same amount of time. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Maine upon what subject?

Mr. WHITE of Maine. January 5 is the one hundredth anniversary of the adoption of the constitution of the State of Maine, that marked the separation of that State from the State of Massachusetts.

Mr. BLANTON. I have no objection as to that. Now, as to the other gentleman—

Mr. WHITE of Maine. He desires to speak on the same subject.

Mr. BLANTON. I have no objection.

STANDARD OF WEIGHTS AND MEASURES.

The SPEAKER. On Friday last, before the House adjourned, the bill before the House was H. R. 9755, relating to the standard of weights and measures. The previous question was ordered and the reading of the engrossed bill was demanded. Is that reading still desired?

Mr. BLANTON. Mr. Speaker, I withdraw the request.

The SPEAKER. The question is on the third reading of the bill.

The bill was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BANKHEAD and Mr. BLANTON demanded a division.

The House divided; and there were—ayes 67, noes 17.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Maryland makes the point that no quorum is present. The Chair will count. [After counting.] No quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll. Those who are in favor of the passage of the bill will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—ayes 222, noes 80, answered "present" 1, not voting 129, as follows:

YEAS—222.

Alexander	Cooper	French	Hickey
Anderson	Copley	Fuller, Ill.	Hicks
Andrews, Nebr.	Cullen	Fuller, Mass.	Houghton
Anthony	Curry, Calif.	Gallagher	Howard
Ashbrook	Dale	Gallivan	Hulings
Babka	Darrow	Gandy	Hull, Iowa
Bee	Davey	Gandy	Ireland
Begg	Davis, Minn.	Gard	Johnson, Wash.
Benham	Dickinson, Iowa	Garland	Johnston, N. Y.
Black	Drane	Garrett	Jones, Pa.
Blanton	Dunbar	Goldfogle	Jones, Tex.
Boles	Dunn	Good	Juhl
Box	Dyer	Goodall	Keller
Briggs	Eagan	Green, Iowa	Kelly, Pa.
Brooks, Ill.	Echols	Greene, Mass.	Kennedy, Iowa
Brooks, Pa.	Elliott	Greene, Vt.	Kettner
Brambaugh	Elston	Griest	Kless
Butler	Emerson	Griffin	Kinkaid
Caldwell	Esch	Hadley	Kitchin
Campbell, Kans.	Evans, Nebr.	Hardy, Colo.	Klecza
Cannon	Fess	Hardy, Tex.	Knutson
Cantrill	Fields	Harrel	Kraus
Caraway	Fisher	Harrison	LaGuardia
Carrs	Flood	Hastings	Lampert
Carter	Focht	Hawley	Lanham
Casey	Fordney	Hayden	Layton
Chidblom	Foster	Hays	Lea, Calif.
Classon	Freeman	Hickey	Linthicum

Little	Monahan, Wis.	Reed, W. Va.	Sweet
Loneragan	Mondell	Ricketts	Tague
Longworth	Mooney	Riddick	Taylor, Colo.
Luce	Moore, Ohio	Robison, Ky.	Taylor, Tenn.
Luhning	Moore, Ind.	Rogers	Temple
McAndrews	Morgan	Rose	Tilson
McArthur	Mott	Sabath	Timberlake
McCulloch	Murphy	Sanders, N. Y.	Tincher
McFadden	Neely	Sanford	Tinkham
McGlennon	Newton, Minn.	Saunders, Va.	Towner
McKenzie	O'Connell	Scott	Treadway
McKinley	Ogden	Sells	Vaile
McKinley	Olney	Shreve	Vestal
McLaughlin, Mich.	Paige	Siegel	Volstead
McLaughlin, Nebr.	Parker	Sims	Walters
McPherson	Parish	Sinclair	Ward
MacCrate	Peters	Sinnot	Watkins
MacGregor	Platt	Slomp	Watson, Pa.
Madden	Purnell	Smith, Idaho	Wellington
Magee	Radcliffe	Smith, Mich.	Welty
Maher	Rainey, H. T.	Smith, N. Y.	White, Me.
Mann, Ill.	Rainey, J. W.	Snyder	Williams
Mansfield	Raker	Stedman	Woods, Va.
Mapes	Ramsayer	Steensson	Woodward
Mays	Randall, Calif.	Stephens, Ohio	Yates
Mead	Randall, Wis.	Stiness	Young, N. Dak.
Michener	Reavis	Strong, Kans.	
Minahan, N. J.	Reber	Strong, Pa.	

NAYS—80.

Almon	Currie, Mich.	Lufkin	Rouse
Aswell	Davis, Tenn.	McDuffie	Rucker
Bankhead	Dent	Major	Sherwood
Barkley	Dewalt	Mann, S. C.	Slisson
Bell	Dickinson, Mo.	Martin	Smith, Ill.
Benson	Dominick	Montague	Smithwick
Blackmon	Doughton	Moon	Stegall
Bland, Mo.	Evans, Mont.	Nelson, Mo.	Stephens, Miss.
Bland, Va.	Evans, Nev.	Oldfield	Stevenson
Brand	Glynn	Oliver	Stoll
Buchanan	Goodwin, Ark.	Overstreet	Thomas
Byrnes, S. C.	Hefflin	Padgett	Tillman
Byrnes, Tenn.	Holland	Park	Vinson
Candler	Hull, Tenn.	Pou	Walsh
Clark, Fla.	Jeffers	Quin	Weaver
Clark, Mo.	Johnson, Miss.	Rainey, Ala.	Whaley
Coady	Kincheloe	Rayburn	Wilson, La.
Connally	Lankford	Rhodes	Wilson, Pa.
Cramton	Larsen	Robinson, N. C.	Wingo
Crisp	Lee, Ga.	Romjue	Wright

ANSWERED "PRESENT"—1.

Dowell

NOT VOTING—129.

Ackerman	Edmonds	Kennedy, R. I.	Rubey
Andrews, Md.	Ellsworth	King	Sanders, Ind.
Ayres	Fairfield	Kreider	Sanders, La.
Bacharach	Ferris	Langley	Schall
Baer	Frear	Lazarro	Scully
Barbour	Garner	Leibach	Sears
Bland, Ind.	Godwin, N. C.	Leshner	Small
Booher	Goodykoontz	McClintic	Snell
Bowers	Gould	McKeown	Steele
Brinson	Graham, Pa.	McLane	Sullivan
Britten	Graham, Ill.	Mason	Summers, Wash.
Browne	Hamill	Merritt	Summers, Tex.
Browning	Hamilton	Miller	Swope
Burdick	Haskell	Moore, Pa.	Taylor, Ark.
Burke	Haugen	Moore, Va.	Thompson
Burroughs	Hernandez	Morin	Upshaw
Campbell, Pa.	Hersman	Mudd	Vare
Carew	Hill	Nelson, Wis.	Venable
Christopherson	Hoch	Newton, Mo.	Voigt
Cleary	Huddleston	Nicholls, S. C.	Watson
Cole	Hudspeth	Nichols, Mich.	Watson, Va.
Collier	Humphreys	Nolan	Webster
Costello	Husted	O'Connor	Wheeler
Crago	Hutchinson	Osborne	White, Kans.
Crowther	Igoe	Pell	Wilson, Ill.
Dallinger	Jacoway	Phelan	Winslow
Dempsey	James	Porter	Wise
Denison	Johnson, Ky.	Ramsey	Wood, Ind.
Donovan	Johnson, S. Dak.	Reed, N. Y.	Young, Tex.
Dooling	Kahn	Riordan	Zihlman
Doremus	Kearns	Rodenberg	
Dupré	Kelley, Mich.	Rowan	
Eagle	Kendall	Rowe	

So the bill was passed.

The Clerk announced the following pair:

Until further notice:

Mr. THOMPSON with Mr. JACOWAY.

Mr. WHITE of Kansas with Mr. PELL.

Mr. SANDERS of Indiana with Mr. WATSON of Virginia.

Mr. MILLER with Mr. HOLLAND.

Mr. NOLAN with Mr. IGOE.

Mr. NELSON of Wisconsin with Mr. MCCLINTIC.

Mr. DENISON with Mr. FERRIS.

Mr. MORIN with Mr. CAMPBELL of Pennsylvania.

Mr. MUDD with Mr. BRINSON.

Mr. KAHN with Mr. DUPRÉ.

Mr. COSTELLO with Mr. SEARS.

Mr. NEWTON of Missouri with Mr. BOOHER.

Mr. ZIHLMAN with Mr. GODWIN of North Carolina.

Mr. KEARNS with Mr. DOREMUS.

Mr. KELLEY of Michigan with Mr. DOOLING.

Mr. KENNEDY of Rhode Island with Mr. DONOVAN.

Mr. NICHOLS of Michigan with Mr. AYRES.

Mr. CRAGO with Mr. SCULLY.
 Mr. KING with Mr. COLLIER.
 Mr. CROWTHER with Mr. SANDERS of Louisiana.
 Mr. ACKERMAN with Mr. YOUNG of Texas.
 Mr. BACHARACH with Mr. WISE.
 Mr. BLAND of Indiana with Mr. VENABLE.
 Mr. DALLINGER with Mr. RUBEY.
 Mr. DOWELL with Mr. ROWAN.
 Mr. EDMONDS with Mr. RIORDAN.
 Mr. OSBORNE with Mr. MOORE of Virginia.
 Mr. BOWERS with Mr. UPSHAW.
 Mr. PORTER with Mr. McLANE.
 Mr. FREAR with Mr. PHELAN.
 Mr. LANGLEY with Mr. CLEARY.
 Mr. GOULD with Mr. O'CONNOR.
 Mr. RAMSEY with Mr. McKEOWN.
 Mr. BROWNING with Mr. TAYLOR of Arkansas.
 Mr. RODENBERG with Mr. LESHNER.
 Mr. GRAHAM of Pennsylvania with Mr. NICHOLS of South Carolina.

Mr. BURDICK with Mr. SUMNERS of Texas.

Mr. ROWE with Mr. LAZARO.

Mr. VARE with Mr. JOHNSON of Kentucky.

Mr. BURKE with Mr. SULLIVAN.

Mr. WASON with Mr. HUMPHREYS.

Mr. HASKELL with Mr. HERSMAN.

Mr. HUSTED with Mr. HERNANDEZ.

Mr. HUTCHINSON with Mr. HAMILL.

Mr. MERRITT with Mr. CAREW.

Mr. JOHNSON of South Dakota with Mr. EAGLE.

Mr. BURROUGHS with Mr. STEELE.

Mr. CHRISTOPHERSON with Mr. SMALL.

Mr. WHEELER with Mr. HUDSPETH.

Mr. WINSLOW with Mr. HUDDLESTON.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. VESTAL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. BENSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to revise and extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

STANDARD WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8067, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8067) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes.

Mr. MAPES. Mr. Speaker, pending the motion, I would like to see if we can agree upon the time for general debate. The gentleman from Missouri [Mr. ROMJUE] I believe is the ranking minority member of the committee present. I have had no requests for time on this side, but I think perhaps I ought to ask for 15 minutes in which to explain the bill. If that is satisfactory to the gentleman from Missouri, I will ask for one-half hour's general debate.

Mr. ROMJUE. Yes.

Mr. MAPES. One-half to be controlled by the gentleman from Missouri [Mr. ROMJUE] and one-half by myself.

Mr. ROMJUE. I have had no requests for any time on this side thus far.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

LEAVE TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, some days ago the gentleman from Idaho [Mr. FRENCH] informed me that he had been giving some consideration to the form of the soviet government of Russia, and at some convenient time he desired to discuss that matter before the House for about 40 minutes. He suggested

that he would be very glad to get in under general debate this morning; but, on taking up the matter with the chairman of the Committee on the District of Columbia, he expressed a disinclination to have a considerable time for general debate on the bill, and I suggested to the gentleman from Idaho that it might be possible for him to secure unanimous consent to address the House this afternoon after the conclusion of this measure, if there shall be time, on the subject referred to; and if the gentleman from Michigan [Mr. MAPES] will allow me at this time, I should like to submit a unanimous-consent request, pending his request, that the gentleman from Idaho may, after the passage of this bill this afternoon, should there be time, be given the opportunity to address the House for 40 minutes on the subject named.

Mr. CLARK of Missouri. If the gentleman will explain the government they have got over in Russia, I will have no objection.

Mr. MONDELL. I have not talked with the gentleman in regard to his speech, but I imagine that he has given the matter careful consideration, and I have no doubt that what he will say will be interesting to the House.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that at the conclusion of the consideration of this bill the gentleman from Idaho [Mr. FRENCH] may address the House for 40 minutes on the subject of the soviet government in Russia.

Mr. BLANTON. Mr. Speaker, reserving the right to object—

Mr. GARD. Mr. Speaker, I wish to ask the gentleman from Wyoming if there is to be any public business transacted after we shall have finished this bill, H. R. 8067?

Mr. MONDELL. I do not anticipate that there would be time for any other public business after this bill is disposed of and the speech of the gentleman from Idaho has been made, if the House gives the gentleman the opportunity to make it.

Mr. KITCHIN. If the gentleman from Idaho proposes to speak this afternoon, will we sit later than 8 or 9 o'clock tonight? This bill is of 23 pages.

Mr. GALLIVAN. Mr. Speaker, I object.

STANDARD WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

The SPEAKER. Objection is made. The gentleman from Michigan [Mr. MAPES] asks unanimous consent that the general debate be limited to 30 minutes, half to be controlled by himself and half by the gentleman from Missouri [Mr. ROMJUE]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan, that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8067, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8067, a bill to establish standard weights and measures for the District of Columbia. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8067) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARD. I object, Mr. Chairman. I think the bill should be read.

The CHAIRMAN. The gentleman from Ohio objects. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created an executive department in the government of the District of Columbia which shall be known as the department of weights, measures, and markets. Such department shall be in charge of a superintendent of weights, measures, and markets, who shall be appointed by and be under the direction and control of the Commissioners of the District of Columbia and shall receive a salary of \$2,500 per annum. He shall have the custody and control of such standard weights and measures of the United States as are now or shall hereafter be provided by the District of Columbia, which shall be the only standards for weights and measures in said District.

The commissioners are also authorized to appoint, on the recommendation of the superintendent, such assistants, inspectors, and other employees for which Congress may from time to time provide.

SEC. 2. That the superintendent shall, before entering upon the performance of his duties, give bond to the District of Columbia in the penal sum of \$5,000, signed by two sureties or by a bonding company, to be approved by the commissioners, conditioned on the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the commissioners that he will faithfully and impartially discharge the duties of his office, which bond and oath shall be deposited with the commissioners.

SEC. 3. That the superintendent and, under his direction, his assistants and inspectors, shall have exclusive power to perform all the duties provided in this act. They shall, at least every six months, and oftener when the superintendent thinks proper, inspect, test, try, and ascertain whether or not they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measuring, and all tools, appliances, or accessories connected with any or all such instruments or mechanical devices for weighing or measuring used or employed in the District of Columbia by any owner, agent, lessee, or employee in determining the weight, size, quantity, extent, area, or measurement of quantities, things, produce, or articles of any kind offered for transportation, sale, barter, exchange, hire, or award, or the weight of persons for a charge or compensation, and shall approve, seal, and stamp or mark, in the manner prescribed by the commissioners, such devices or appliances as conform to the standards kept in the office of the superintendent, and shall seize and destroy or mark, stamp, or tag with the word "condemned" such as do not conform to the standards, and shall also mark the date of such condemnation upon the same. Any weight, scale, beam, measure, weighing or measuring device of any kind which shall be found to be unsuitable for the purpose for which it is intended to be used or of defective construction or material shall be condemned. No person shall use or, having the same under his control, shall permit to be used for any of the purposes enumerated in this act any weight, scale, beam, measure, weighing or measuring device whatsoever unless the same has been approved in accordance with the provisions of this act within six months prior to such use.

Any person who shall acquire or have in his possession after the passage of this act any unapproved scale, weighing instrument, or non-portable measure or measuring device, subject to inspection or test under the provisions of this act, shall notify the superintendent in writing at his office, giving a general description thereof, and the street and number or other location where same may be found, and it shall be the duty of the superintendent to cause the same to be inspected and tested within a reasonable time after receipt of such notice. Any person who shall acquire or have in his possession after the passage of this act any unapproved portable measure or measuring device subject to inspection or test shall cause the same to be taken to the office of the superintendent for inspection and test.

Every peddler, hawker, huckster, transient merchant, or other person with no fixed or established place of business shall, before using any weight, scale, measure, weighing or measuring device for any of the purposes enumerated in this act, cause the same to be taken to the office of the superintendent for inspection and test semiannually, and shall not use for the purposes herein mentioned any weight, scale, measure, weighing or measuring device which has not been approved within six months prior to the time of such use.

Nothing herein shall be construed to require the superintendent to test any weighing or measuring device belonging to the United States.

SEC. 4. That no person shall use or, having the same under his control, permit to be used, any weight, scale, measure, weighing or measuring device, or any attachment or part thereof after the same has been altered or repaired without the same having been inspected and approved as provided herein after such alterations or repairs have been made, and no person shall alter, obliterate, detach, obscure, or conceal any condemnation seal, stamp, mark, tag, or label, attached or impressed by the superintendent or any of his assistants or inspectors, without written permission of the superintendent.

SEC. 5. That no person shall neglect, fail, or refuse to exhibit any weight, scale, beam, measure, weighing or measuring device, subject to inspection or test under the provisions of this act, to the superintendent or any of his assistants or inspectors for the purpose of inspection and test, and no person shall in any manner obstruct, hinder, or molest the superintendent or any of his assistants, inspectors, or other employees in the performance of their duties.

SEC. 6. That the superintendent shall keep in his office a record of weighing and measuring devices inspected, which record shall show the type of device, the name and address of the owner, the date of inspection, and whether the same was approved or condemned. Such record shall be open to the public during regular office hours.

SEC. 7. That no person shall sell, offer for sale, keep, or expose for sale anywhere in the District of Columbia any commodity of any kind as a weight, measure, or numerical count greater than the actual or true weight, measure, or numerical count thereof, and no person shall take or attempt to take more than the actual and true weight, measure, or numerical count of any commodity, when, as buyer, he is permitted by the seller to determine the weight, measure, or numerical count thereof.

SEC. 8. That when any commodity is sold by weight it shall be net weight. When any commodity, except coal, is sold by the ton, it shall be understood to mean 2,000 pounds avoirdupois. Coal shall be sold by the long ton, consisting of 2,240 pounds avoirdupois.

SEC. 9. That no person, firm, or corporation shall erect, operate, or maintain, or cause to be erected, operated, or maintained within the District of Columbia any coin-in-the-slot machine or automatic vending device without placing in charge thereof some responsible person. No such machine shall be maintained for use when the same is not in perfect working order, and the person in charge as well as the owner of such machine or device shall be held responsible for operating or maintaining any such machine or device which is not in perfect working order. A sign or placard shall be placed on every such machine or device in a conspicuous place and shall contain the name of the owner and of the person in charge of such machine or device, and shall state that the person in charge of such machine or device will refund to any person money deposited by him for which the commodity or service promised expressly or impliedly has not been received, and such person shall so refund such money.

SEC. 10. That every person, firm, or corporation shall, when a sales ticket is given with a purchase, cause such sales ticket to show the correct name and address of such person, firm, or corporation and the weight, measure, or numerical count, as the case may be, of each commodity sold to such purchaser, and every such person, firm, or corporation is hereby required to deliver such sales ticket to such purchaser when requested to do so by such purchaser at the time of the sale.

Sec. 11. That it shall be unlawful to sell or offer for sale in the District of Columbia any coal, charcoal, or coke in any other manner than by weight. No person shall deliver or attempt to deliver any coal, charcoal, or coke without accompanying same by delivery ticket and a duplicate thereof, the original of which shall be in ink or other indelible substance, on each of which shall be expressed distinctly in pounds, avoirdupois, the gross weight of the load, the tare of the delivery vehicle or receptacle, and the net weight of coal, charcoal, or coke contained in the vehicle or receptacle used in making delivery, with the name and address of the purchaser and the name and address of the person, firm, or corporation from whom or which purchased. Upon demand of the superintendent or any of his assistants or inspectors upon the person in charge of the vehicle of delivery, the original of these tickets shall be surrendered to the official making such demand. The duplicate ticket shall be delivered to the purchaser of said coal, charcoal, or coke, or to his agent or representative, at the time of delivery of such coal, charcoal, or coke. Upon demand of the superintendent or any of his assistants or inspectors, or of the purchaser or intended purchaser, his agent or representative, the person delivering such coal, charcoal, or coke shall convey the same forthwith to some public scale, or to any legally approved private scale in the District of Columbia, the owner of which shall consent to its use, and shall permit the verifying of the weight, and after the delivery of such coal, charcoal, or coke shall return forthwith with the wagon or other conveyance used to the same scale and permit to be verified the weight of the wagon or other conveyance: *Provided*, That when coal, charcoal, or coke is sold in a quantity less than 280 pounds and is not weighed in a wagon, cart, or other vehicle, it shall be sufficient for the seller to deliver to the purchaser, his agent or representative, a ticket showing the name and address of the vendor, the name of the purchaser, and the true net weight of the coal, charcoal, or coke so sold or delivered: *Provided further*, That when coal, charcoal, or coke is sold in packages of 50 pounds or less, it shall be sufficient to plainly mark each package with the name of the person, firm, or corporation making such package and the true net weight of the coal, charcoal, or coke contained therein.

No coal, charcoal, or coke shall be sold which contains at the time the weight is taken more water or other liquid substance than is due to the natural condition of the coal, charcoal, or coke.

Every vendor of coal, charcoal, or coke shall cause his name and address to be conspicuously displayed on both sides of every vehicle used by or for him for the sale or delivery of coal, charcoal, or coke.

Sec. 12. That it shall be unlawful to sell, within the District of Columbia, any ice in any manner than by weight, such weight to be ascertained at the time of delivery of such ice, and every person, or in case of a firm, copartnership, or corporation, the person in charge of its business in the District of Columbia, engaged in the sale of ice shall keep on each of his or its wagons or other vehicles used in the sale or delivery of ice, while in use, a scale suitable for weighing ice which has been tested and approved in accordance with the provisions of this act. Every scale used for weighing ice in making sales in quantities of 100 pounds or less shall have graduations of 1 pound or less. Scales used for weighing ice in making sales in quantities of more than 100 pounds may have graduations of 5 pounds or less.

Sec. 13. That the standard loaf of bread manufactured for sale, sold, offered or exposed for sale in the District of Columbia shall weigh 1 pound avoirdupois, but bread may also be manufactured for sale, sold, offered or exposed for sale in loaves of one-half pound, or in multiples of 1 pound, but shall not be manufactured for sale, sold, offered or exposed for sale in the District of Columbia shall have affixed thereon in a conspicuous place a label at least 1 inch square, or, if round, at least 1 inch in diameter, upon which label there shall be printed in plain bold-face Gothic type, not smaller than 12-point, the weight of the loaf in pound, pounds, or fraction of a pound, as the case may be, whether the loaf be a standard loaf or not, the letters and figures of which shall be printed in black ink upon white paper. The business name and address of the maker, baker, or manufacturer of the loaf shall also be plainly printed on each such label. Every seller of bread in the District of Columbia shall keep a suitable scale which shall have been inspected and approved in accordance with the provisions of this act in a conspicuous place in his bakery, bakeshop, or store, or other place where he is engaged in the sale of bread, and shall, whenever requested by the buyer, and in the presence of the buyer, weigh the loaf or loaves of bread sold or offered for sale. Nothing herein shall apply to crackers, pretzels, buns, rolls, scones, or loaves of fancy bread weighing less than one-fourth of 1 pound avoirdupois, or to what is commonly known as stale bread, provided the seller shall, at the time the sale is made, expressly state to the buyer that the bread so sold is stale bread: *Provided*, That any loaf of bread weighing within 10 per cent in excess or within 4 per cent less than standard weight shall be deemed of legal weight.

Sec. 14. That bottles or jars used for the sale of milk or cream shall be of the capacity of 1 gallon, half-gallon, 3 pints, 1 quart, 1 pint, half-pint, or 1 gill when filled to the bottom of the cap seat, stopple, or other designating mark. Such bottles or jars shall have clearly blown or otherwise permanently marked in the side of each such bottle or jar or printed on the cap or stopple the name and address of the person, firm, or corporation who or which shall have bottled such milk or cream. Any person who uses, for the purpose of selling milk or cream, bottles or jars which do not comply with the requirements of this section shall be deemed guilty of using false measure.

Sec. 15. That standard containers for the sale of fruits, vegetables, and other dry commodities in the District of Columbia shall be as follows:

(a) That standard barrel for fruits and vegetables, other than cranberries, shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of heads, 17½ inches; distance between heads, 26 inches; circumference of bulge, 64 inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, 28½ inches; diameter of head, 16½ inches; distance between heads, 25½ inches; circumference of bulge, 58½ inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch. It shall be unlawful to sell, offer, or expose for sale in the District of Columbia a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in this act, or subdivisions thereof known as the third, half, and three-quarter barrel.

(b) Standards for Climax baskets for grapes and other fruits and vegetables shall be the 2-quart basket, 4-quart basket, and 12-quart basket, respectively.

The standard 2-quart Climax basket shall be of the following dimensions: Length of bottom piece, 9½ inches; width of bottom piece, 3½ inches; thickness of bottom piece, three-eighths of an inch; height of basket, 2½ inches, outside measurement; top of basket, length 11 inches and width 5 inches, outside measurement. Basket to have a cover 5 by 11 inches, when a cover is used.

The standard 4-quart Climax basket shall be of the following dimensions: Length of bottom piece, 12 inches; width of bottom piece, 4½ inches; thickness of bottom piece, three-eighths of an inch; height of basket, 4½ inches, outside measurement; top of basket, length 14 inches and width 6½ inches, outside measurement. Basket to have cover 6½ inches by 14 inches, when cover is used.

The standard 12-quart Climax basket shall be of the following dimensions: Length of bottom piece, 18 inches; width of bottom piece, 6½ inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, 7½ inches, outside measurement; top of basket, length 19 inches, width 9 inches, outside measurement. Basket to have cover 9 inches by 19 inches, when cover is used.

(c) The 6-basket carrier crate for fruits and vegetables shall contain six 4-quart baskets, each basket having a capacity of 268½ cubic inches.

(d) The 4-basket flat crate for fruits and vegetables shall contain four 3-quart baskets, each basket having a capacity of 201½ cubic inches.

(e) The standard box, basket, or other container for berries, cherries, shelled peas, shelled beans, and other fruits and vegetables of similar size shall be of the following capacities standard dry measure: One-half pint, pint, and quart. The one-half pint shall contain 16½ cubic inches; the pint shall contain 33½ cubic inches; the quart shall contain 67½ cubic inches.

(f) Standard lug boxes for fruits and vegetables shall be the one-half bushel box and the 1-bushel box.

The one-half bushel lug box shall be of the following inside dimensions: Length, 17 inches; width, 10½ inches; depth, 6 inches.

The 1-bushel lug box shall be of the following inside dimensions: Length, 20½ inches; width, 13 inches; depth, 8 inches; and no lug box of other than the foregoing dimensions shall be used in the District of Columbia.

(g) The standard hampers for fruits and vegetables shall be the 1-peck hamper, one-half bushel hamper, 1-bushel hamper, and 1½ bushel hamper.

The 1-peck hamper shall contain 537½ cubic inches; the one-half bushel hamper shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches. The 1-bushel hamper shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches, and the 1½-bushel hamper shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

(h) The standard round-stave baskets for fruits and vegetables shall be the one-half bushel basket, 1-bushel basket, 1½-bushel basket, and 2-bushel basket.

The one-half bushel basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches. The 1-bushel basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches. The 1½-bushel basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches, and the 2-bushel basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.

(i) The standard apple box shall contain 2,173½ cubic inches and be of the following inside dimensions: Length, 18 inches; width, 11½ inches; depth, 10½ inches.

(j) The standard pear box shall be of the following inside dimensions: Length, 18 inches; width, 11½ inches; depth, 8½ inches.

(k) The standard onion crate shall be of the following inside dimensions: Length, 19½ inches; width, 11½ inches; depth, 9½ inches.

(l) No person shall sell, offer, or expose for sale in the District of Columbia any fruits, vegetables, grain, or similar commodities in any manner except in the standard containers herein prescribed or by weight or numerical count; and no person shall sell, offer, or expose for sale, except by weight or numerical count, in the District of Columbia any commodity in any container herein prescribed which does not contain, at the time of such offer, exposure, or sale, the full capacity of such commodity compactly filled: *Provided*, That fresh beets, onions, turnips, rhubarb, and other similar vegetables, usually and customarily sold by the bunch, may be sold by the bunch.

All kale, spinach, and other similar leaf vegetables shall be sold at retail by net weight.

Sec. 16. That nothing in this act contained shall be construed as permitting the use as a dry measure or substituting for a dry measure any of the following containers: Barrels, boxes, lug boxes, crates, hampers, baskets, or climax baskets; and the use of any such container as a measure is hereby expressly prohibited, and the user shall be fined or imprisoned as herein provided for other violations of this act.

Sec. 17. That a cord of wood shall contain 128 cubic feet. Wood more than 8 inches in length shall be sold by the cord or fractional part thereof, and when delivered shall contain 128 cubic feet per cord when evenly and compactly stacked. Split wood, 8 inches or less in length, may be sold by such standard loads as shall be fixed by the commissioners.

That a barrel of flour shall contain 196 pounds avoirdupois, net weight, and fractional parts thereof shall contain proportionate net weight.

A standard sack or bag of potatoes shall contain 90 pounds of potatoes at the time of sale, and potatoes shall not be sold by the sack or bag in other than standard sacks or bags.

Sec. 18. That the standard liquid gallon shall contain 231 cubic inches; the half gallon, 115½ cubic inches; the quart, fifty-seven and seventy-five hundredths cubic inches; the pint, twenty-eight and eight hundred and seventy-five thousandths cubic inches; the half pint, fourteen and four thousand three hundred and seventy-five tens of thousandths cubic inches; the gill, seven and twenty-one thousand eight hundred and seventy-five tens of thousandths cubic inches; the fluid ounce, one and eight thousand and forty-seven thousandths cubic inches; and no liquid measure of other than the foregoing capacity, except multiples of the gallon, shall be deemed legal liquid measure in the District of Columbia.

Sec. 19. That shucked oysters shall be sold only by liquid measure or numerical count, and whenever there is included in the sale by measure of shucked oysters more than 10 per cent of oyster liquid of other liquid substance the vendor shall be deemed guilty of selling short measure.

All fish shall be sold by avoirdupois weight.

SEC. 20. That every user of an automatic measuring pump or similar device shall, when the supply of the commodity which he is measuring for sale with such pump or similar device is insufficient to deliver correct measure of such commodity by the usual or customary method of operating such pump or device, or when for any cause whatever such pump or device does not, by the usual or customary method of operating the same, deliver correct measure, place a sign with the words "Out of use" in a conspicuous place on such pump or device where it may readily be seen and shall forthwith cease to use the same until his supply of such commodity is replenished or until such pump or device is repaired, adjusted, or otherwise put in condition to deliver correct measure. All automatic measuring pumps or other similar measuring devices in use shall be subject to inspection and approval or condemnation, whether used for measuring or not.

SEC. 21. That whenever any commodity is offered for sale at a stated price for a stated quantity, a smaller quantity shall be sold at a pro rata price unless the purchaser is informed to the contrary at the time of sale.

SEC. 22. That the superintendent or, under his direction, his assistants and inspectors shall from time to time weigh or measure and inspect packages or amounts of commodities of whatever kind kept for sale, offered or exposed for sale, sold, or in the process of delivery, in order to determine whether or not the same are kept for sale, offered for sale, or sold in accordance with the provisions of this act, and no person shall refuse to permit such weighing, measuring, or inspection whenever demanded by the superintendent or any of his assistants or inspectors.

SEC. 23. That it shall be unlawful for the superintendent or any employee of his office to vend any weights, measures, weighing or measuring device, or to offer or expose the same for sale, or to be interested, directly or indirectly, in the sale of same.

SEC. 24. That there is hereby conferred upon the superintendent, his assistants and inspectors, police power, and in the exercise of their duties they shall, upon demand, exhibit their badges to any person questioning their authority; and they are authorized and empowered to make arrests of any person violating any of the provisions of this act. The superintendent, his assistants and inspectors, may for the purpose of carrying out and enforcing the provisions of this act and in the performance of their official duties, with or without formal warrant, enter or go into or upon any stand, place, building, or premises, except a private residence, and may stop any vendor, peddler, dealer, vehicle, or person in charge thereof for the purpose of making inspections or tests.

SEC. 25. That the commissioners are hereby authorized and empowered to establish tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers used in the District of Columbia not inconsistent with the provisions of this act, and such as conform thereto shall be approved.

SEC. 26. That the commissioners are authorized to appoint public weighmasters and grant licenses for the location of public scales in the District of Columbia under such regulations as they may prescribe, and authorize such weighmasters to charge such fees as the commissioners may approve and fix in advance, and they may grant permits, revocable on 30 days' notice, for the location of such public scales on public space under their control. No person other than a duly appointed and qualified public weighmaster shall do public weighing or make any charge or accept any compensation therefor.

SEC. 27. That no person shall, within the District of Columbia, upon any freight bill, express bill, or other bill for transportation, indicate the weight of any commodity upon which weight the freight, express, or other transportation charge or charges is or are based except the true gross weight of such commodity, and every bill for freight, express, or other transportation charge or charges shall have legibly written or printed thereon the name of the person indicating such weight on same; and no person shall collect or attempt to collect in the District of Columbia any bill for freight, express, or other transportation charge or charges unless the same is prepared in accordance with the provisions of this section. The word "bill," as used in this section, shall be construed to mean any printed or written or printed and written evidence of charge or charges for freight, express, or other transportation.

SEC. 28. That the powers and duties granted to and imposed on the superintendent by the act are also hereby granted to and imposed on his assistants and inspectors when acting under his instructions.

SEC. 29. That the superintendent, under the direction of the commissioners, shall have supervision of all produce and other markets owned by the District of Columbia, shall enforce such regulations regarding the operation of the same as the commissioners may make, shall make such investigations regarding the sale, distribution, or prices of commodities in the District of Columbia as the commissioners may direct, and shall make reports and recommendations in connection therewith.

SEC. 30. That wherever the word "commissioners" is used in this act it shall be construed to mean the Commissioners of the District of Columbia. Wherever the word "superintendent" is used in this act it shall be construed to mean the superintendent of weights, measures, and markets.

SEC. 31. That the word "person," as used in this act, shall be construed to include copartnerships, companies, corporations, societies, and associations. Wherever any word in this act is used in the singular it shall be construed to mean either singular or plural, and wherever any word in this act is used in the plural it shall be construed to mean either plural or singular, as the circumstances demand.

SEC. 32. That each section of this act and every provision of each section, is hereby declared to be an independent section or provision, and the holding of any section or provision of any section to be void, ineffective, or unconstitutional for any cause whatever shall not be deemed to affect any other section or provision thereof.

SEC. 33. That any person violating any of the provisions of this act shall be punished by a fine not to exceed \$500, or by both such fine and imprisonment not to exceed six months. All prosecutions under this act shall be instituted by the corporation counsel or one of his assistants in the police court of the District of Columbia.

SEC. 34. That the act entitled "An act for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, as amended, is hereby repealed.

With a committee amendment, as follows:

On page 17, line 14, insert a new section, as follows:

"SEC. 16½. That no person shall sell, offer, or expose for sale in the District of Columbia any food in package form unless the quantity of contents is plainly and conspicuously marked on the outside of each

package in terms of weight, measure, or numerical count. The commissioners are authorized to establish and allow reasonable variation, tolerances, and exemptions as to small packages."

Mr. MAPES. Mr. Chairman, this bill proposes to amend and to redraft the present law applying to the District of Columbia in relation to weights, measures, and markets. A bill very similar to the present one passed the last Congress. The law on this subject now in effect in the District was passed in 1895 and has proved quite insufficient to adequately prevent the short-weight and short-measure practices in the District. The District, in a great deal of its legislation, takes the lead over the States, but the law on this subject, so far as the District is concerned, is antiquated, and the District is behind a great many of the States in this class of legislation.

Mr. GARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. MAPES. I will be glad to yield.

Mr. GARD. Does the gentleman say that the people who reside in the District of Columbia are now being treated to short measures and short weights, and that it is necessary to enact this legislation to correct that?

Mr. MAPES. Mr. Chairman, I did not say exactly that. But in some instances I think it is pretty generally known that that is the case. Of course, the District of Columbia is not different from any other community in that respect. There are some men who give full weight and full measure and there are some men who do not. There are instances in the District where it is known that short weights have been given.

One thing that the present bill proposes to do that is not done by the existing law is to standardize the measures used in the District. Under existing law there is nothing to prevent the use within the District of Columbia of any measure that human ingenuity can devise.

I have here a photograph showing a great many different containers that are in use. An examination of it will show how difficult it is for the unskilled eye to determine how much a container holds. There may be a variation of several quarts in containers that look very much alike, so much depends upon the size of the top or the size of the bottom of the container, or how far up the bottom extends, and several different things.

This bill proposes to standardize containers to be used in the District and to require the different dealers in commodities here to use the standards provided in the bill. Most of the States have legislation along this line, but unfortunately the District of Columbia has no adequate standardization law.

Mr. DUNBAR. Will the gentleman yield?

Mr. MAPES. I will yield to the gentleman.

Mr. DUNBAR. On page 18 the bill specifies that a barrel of flour shall contain 196 pounds avoirdupois.

Mr. MAPES. I will say to the gentleman that is somewhat different from the bill which just passed the House, and when we reach that provision I expect to move to strike that language out of the bill.

The bill requires ice to be sold by weight. I think it is quite notorious that one of the great abuses in the District is in the selling of ice by a great many concerns that refuse to sell it by weight. They insist upon selling ice by the piece, and the housewife can take it or leave it, as she sees fit. Some of them refuse to deliver ice unless it is accepted in that way. This bill proposes to make it unlawful for any dealer to sell ice except by weight.

It also provides that when articles are sold by weight they shall be sold by the net weight, and that the wrapper, whether paper covering or box, the cost of which is very much less than the cost of the article, shall not be weighed and sold as a part of the article and at the same price.

The bill also requires the merchant, when he gives a sales slip showing the cost of an article, to put on the amount that is sold, not to do as a great many do, put down "Potatoes, \$1," or "Meat, 75 cents," so that there is no way of telling whether the amount purchased is a bushel of potatoes or half a bushel, or 1 pound of meat or half a pound. The bill requires the merchant who delivers a sales slip to put on the amount as well as the price.

It also fixes the standard of a loaf of bread within the District of Columbia.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from New York.

Mr. GOLDFOGLE. Do I understand that it is contemplated by the bill that on each sale, large or small, there shall be delivered to the customer a sales slip?

Mr. MAPES. No; the bill does not require that. It simply requires that in case a sales slip is delivered to the customer it shall contain the true weight or measure as well as the price.

Mr. GOLDFOGLE. Is there any requirement that a sales slip shall be delivered?

Mr. MAPES. If the customer requests it, it shall be delivered, or if the merchant voluntarily delivers a sales slip he shall put on the slip the price and the amount of the article.

Mr. GOLDFOGLE. The purpose of this bill, of course, is to some extent—

Mr. MAPES. I have not time to argue the question, because I have only a few minutes, but that is the provision.

The bill also fixes the standard loaf of bread for the District of Columbia, fixes two standards, one of one-half pound and one of 1 pound.

It prohibits the use of baskets and other containers in place of the bushel and half-bushel measure. The practice at present is to use any sort of a container, any sort of a basket, which may in the course of time become very much out of shape and very much dilapidated. The bill proposes to prevent that.

The bill also extends the control of the superintendent of weights, measures, and markets over automatic measuring pumps and the automatic vending devices on the street and the coin-in-the-slot machines. My information is that with these automatic pumps, as the quantity of gasoline becomes less the tendency is for the pump to show a larger amount than there really is. Under the present law the superintendent of weights, measures, and markets has no jurisdiction over and no way of correcting or testing these pumps. This bill gives him that authority.

Mr. GARD. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Ohio.

Mr. GARD. I do not understand what the gentleman says about the measuring pumps making the measure greater than it really is. Does the gentleman refer to these gasoline-measuring pumps? Is that what he had in mind?

Mr. MAPES. Yes; my information is that as the quantity of gasoline decreases the tendency is for the pump to over-measure.

Mr. GARD. When the gasoline in the supply tank gets low the action of the pump shows a greater amount with a low tank than with a full tank?

Mr. MAPES. That is my information.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. BANKHEAD. Section 1 provides that the commissioners are authorized to employ such assistants as Congress may provide. Is it anticipated that under this law there will be any considerable increase in the number of assistants?

Mr. MAPES. No; I will say to the gentleman that it is not. One feature of this bill which should be emphasized is the fact that it asks for no additional employees and for no increase of salary of the present employees. Section 1 is practically the same as in the existing law, with this exception: The existing law does provide for one inspector, but in practice that provision has been obsolete for a great many years, and the Appropriations Committee now appropriates for six inspectors, notwithstanding the existing law only authorizes one.

Mr. SNYDER. Will the gentleman yield?

Mr. MAPES. I will yield to the gentleman from New York.

Mr. SNYDER. Of course, with all these new restrictions that this bill calls for perhaps in time it would naturally demonstrate the necessity for a great many more inspectors and supervising inspectors?

Mr. MAPES. It might lead to that in time, although a great deal of this same work is now being done by the one superintendent and the present inspectors. The difficulty has been to enforce their regulations and to require men to give full weight and measure and to punish those who did not.

Mr. SNYDER. I have taken the pains to read this bill very carefully. It strikes me that it is going to put an additional burden on the people and an additional expense onto practically every item that a person must purchase in the city of Washington, in addition to the restrictions that we already have.

Mr. MAPES. I will say that most housewives would be willing to stand the little additional expense that the enforcement of this law will entail if they could be sure that they would get proper measurement and proper weight when making their purchases.

Mr. SNYDER. I am anxious that everybody should get proper weight and proper measure, but I am absolutely opposed to putting further restrictions, and therefore further burdens, on the people of this District or any other at the present time.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. MAPES. I can not yield further. I have only a few minutes left. The bill provides that where articles are sold by numerical count the count shall be correct. It further provides that when anything is sold by the pound or the bushel that one-half that amount shall be sold for one-half the price of the

pound or bushel unless the dealer expressly states to the contrary. For instance, if a bushel of potatoes sells for \$2, and the dealer tells his customer that potatoes are \$2 a bushel, and the customer orders half a bushel, the dealer must sell the half bushel for \$1 or notify her at the time that the half bushel will be more than one-half the price of the bushel.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ROMJUE. Mr. Chairman, I will yield the gentleman five minutes additional.

Mr. MAPES. Mr. Chairman, I will not attempt to go over the bill in detail, but as it is taken up under the five-minute rule, if the Members desire it, I will be glad to explain the difference between the sections in the bill and the existing law. The bill on the whole is a redraft of the present law, making it more workable and putting more teeth into it, so that the superintendent of weights and measures can enforce the law and regulations and prevent short weights and short measures, which are now, as the gentleman from Ohio has intimated, practiced to some extent throughout the District. They are practiced particularly upon the people who do their ordering over the telephone. Under existing conditions, unless the people go to the markets and do their buying personally, go into the stores and see what they are getting, they are not sure of getting what they order, and in a great many cases they do not get what they thought they were going to get.

Mr. TILSON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. TILSON. Reading the bill, it seems that the schedule of fees heretofore collected has been abolished. Did the committee intend to abolish the schedule of fees, and provide that hereafter the expense instead of coming on the dealer shall come out of the Treasury?

Mr. MAPES. The committee thought that for the dealer whose weights and measures were being inspected to pay the expense was a vicious practice and ought not to be continued, and the bill provides for the abolition of that practice.

Mr. TILSON. The salaries do not seem to be increased. Where is the compensation to come from if the salary is not increased and you make no provision for the collection of fees?

Mr. MAPES. The gentleman may have a different view of it, but to me it is a vicious practice to have a man whose business is being inspected pay the inspector for the inspection.

Mr. TILSON. I do not dispute that; but how are the men going to receive anything more than the \$2,500?

Mr. MAPES. They do not receive any more compensation. The bill does not change existing law in that respect, and does not provide that they shall receive any greater remuneration than they are now receiving.

Mr. TILSON. They receive only \$2,500 and do not receive the fees?

Mr. MAPES. No.

Mr. TILSON. The fees now go into the revenues of the District?

Mr. MAPES. Yes. Mr. Chairman, as I said, as we proceed with the reading of the bill, I shall be glad to point out the differences between the different sections of the existing law and this bill, if the committee so desires.

The CHAIRMAN. The gentleman from Missouri [Mr. ROMJUE] is recognized.

Mr. ROMJUE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I wish to call attention briefly to one fundamental effect that the passage of this proposed legislation will have. Of course, it is not likely that even in the District of Columbia it will bring about those happy conditions which obtained in our boyhood, when one could go to market with a basket and a \$1 bill and come back with the basket filled and change in one's pocket. To-day a man can go to the market with a \$5 bill and he need take nothing but his vest pockets with him to bring home his purchases. The enactment of this bill is not going to take us to the Elysian fields or bring about a Utopia by rapidly reducing prices, but it seems to me there is one fundamental effect it will have which is desirable. It does not make much difference to the man who receives a large salary or to the man who derives a large income from his business whether or not the price of coal by the ton advances \$1 or \$2, but it is a matter of serious importance to the poor fellow, who buys his coal, so to speak, by the nugget rather than by the ton, to know that he will pay no more than a proportionate and corresponding price for the little bucketful that he buys from the huckster. This bill, it seems to me, in its fundamental purpose is praiseworthy because it seeks to protect the poor of the District of Columbia, who necessarily must buy in small quan-

ties and buy frequently as the daily or weekly or monthly wage comes to the family.

It was very interesting to me and very surprising also to note the difference in some of the containers which were presented before the committee during the hearings upon this bill by the superintendent for the District, and even the members of that committee, somewhat skilled perhaps in buying different commodities in different quantities, were deceived by the quantities which those measures really held.

The visual conclusion is often very erroneous. It seems to me, therefore, that these people who may be readily deceived visually, the poor people of the District, are entitled to the protection which a law of this kind will throw around them. Profiteering is necessarily magnified many times when a ton of coal, for instance, is peddled out in erroneous containers and through spurious weights and measures to the poor people of the District; and although the bill may need amendment—and I can see readily that, in view of the bill which we passed this morning, an amendment should be adopted in respect to the number of pounds in a standard barrel of flour, this bill fixing 196 pounds and the bill which we have just passed fixing 200 pounds—although it may need some amendment, I say the fundamental principle should be borne in mind that the purpose of the bill is to relieve the poor people, who are suffering most from profiteering, and to afford a remedy in those cases in which the establishment of such standards will do so. This bill has to do with the sale of ice, coal, oysters, fruits, vegetables, and so forth, the things that go into the homes of the humble of the District of Columbia, and it should be remembered that those who need protection are the ones sought to be protected by the proposed law.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to my colleague.

Mr. BEE. Mr. Chairman, I have been very much impressed by the statement made by the gentleman from Michigan [Mr. MAPES] and by the statement made by the gentleman from Texas [Mr. LANHAM] in respect to the necessity arising from the conditions which they describe. I want to ask this question of the Committee on the District of Columbia: Is there not some way, while we are regulating weights and measures and other things in the District of Columbia, to regulate the street-car service of the city of Washington for the benefit of unfortunate Members of Congress who have not an automobile and who live some distance from the Capitol? Can not the District of Columbia give the Members of the House and the public some assurance that this continuous performance of inefficiency on the street cars of Washington will at some time cease?

Mr. LANHAM. I will say to the gentleman that, lamentable as the conditions may be in that respect, that would come under long waits rather than standard weights.

Mr. BEE. There is a good deal of long wait about it, I will say to the gentleman.

Mr. GARD. Mr. Chairman, will the gentleman yield further in that respect?

Mr. LANHAM. Yes.

Mr. GARD. In respect to the question of the gentleman from Texas [Mr. BEE], does not his colleague know that the Public Utilities Commission increased the price of fares 2 cents, which one company did not want and which the other company says is not sufficient to take care of its needs, and that notwithstanding that we have to pay 7 cents to ride a couple of blocks in the District of Columbia, with a very inferior service, notably on one line of street cars?—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROMJUE. Mr. Chairman, if I have any more time I yield the gentleman such time as he desires.

The CHAIRMAN. The gentleman has five minutes more.

Mr. ROMJUE. Then I yield the gentleman from Texas two minutes.

Mr. LANHAM. I yield to the gentleman from Ohio.

Mr. GARD. I was just interrogating the gentleman in respect to the question regarding street cars raised by his colleague [Mr. BEE].

Mr. LANHAM. I would state in reply to the gentleman that if by any of the measurements prescribed in this bill that matter can properly be determined, then we have endeavored to set a proper standard.

Mr. GARD. Under this bill what is the standard wait for passengers on the Washington Railway & Electric Co.?

Mr. LANHAM. I do not think there is any standard wait.

Mr. BEE. If the gentleman will permit, I would say that 30 minutes seems to be the standard, and I would suggest further that if the Public Utilities Commission further raises prices the gentleman from Ohio [Mr. GARD] and other gentle-

men in the House are going to establish a reputation as long-distance pedestrians.

Mr. LANHAM. Well, there is getting to be some prestige in being a pedestrian.

The CHAIRMAN. The gentleman from Missouri [Mr. ROMJUE] has three minutes remaining.

Mr. ROMJUE. Mr. Chairman, I just desire to say in connection with what the gentlemen have just been discussing that I have recently introduced a bill which I think will regulate the street-car rates in the city of Washington, and if the three gentlemen will vote with me as enthusiastically as they have talked in the last few minutes I believe we will be able to bring about the passage of it soon. Hearings on the bill are to begin within about 10 days. I do not desire to use any further time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created an executive department in the government of the District of Columbia which shall be known as the department of weights, measures, and markets. Such department shall be in charge of a superintendent of weights, measures, and markets, who shall be appointed by and be under the direction and control of the Commissioners of the District of Columbia, and shall receive a salary of \$2,500 per annum. He shall have the custody and control of such standard weights and measures of the United States as are now or shall hereafter be provided by the District of Columbia, which shall be the only standards for weights and measures in said District.

The commissioners are also authorized to appoint, on the recommendation of the superintendent, such assistants, inspectors, and other employees for which Congress may, from time to time, provide.

Mr. GARD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I have been investigating this bill, H. R. 8067, and have been considering it in reference to the provisions of the old bill, approved March 2, 1895, and I wish to ask those in charge of the bill whether there is any disposition to add an increased force in the office of the division of the executive department known as the department of weights, measures, and markets. I do this because the law of 1895 provided that this officer should be known as the sealer of weights and measures and should receive a salary of \$2,500 per annum. I note that is the same salary that is carried in this bill, and that which is new in the bill before us is the provision that the commissioners are also authorized to appoint, on the recommendation of the superintendent, such assistants, inspectors, and other employees for which Congress may from time to time provide. Now, I do not know whether the present superintendent of weights and measures has appeared before the Commission on the Reclassification of Salaries, which we are constantly advised in the prints is sitting in Washington, for an increase in compensation, and I would appreciate the information from members of the committee as to how many present assistants there are in the office of the superintendent of weights, measures, and markets, and what the plan is for the increase of assistants, inspectors, and other employees under the new matter contained in lines 6, 7, 8, and 9 of this bill on page 2.

Mr. MAPES. Mr. Chairman, I will say to the gentleman, as I said in my opening statement, that it is not the intent of this law to increase the number of assistants at all. The existing law, the law of 1895, that provides for one inspector, has in practice been a dead letter for a great number of years. There are now six assistant inspectors. They are provided for in the annual appropriation bill, and the appropriation for this department in the current appropriation law is something over \$21,000. It is perfectly apparent that the superintendent and one assistant could not properly perform the duties which the sealer of weights, measures, and markets ought to perform here in the District. This bill does not purport to change the existing number, although it does not contain that provision which has been a dead letter for a great many years.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. MAPES. With the permission of the gentleman from Ohio.

Mr. McLAUGHLIN of Michigan. Then are we to understand that the law under which the sealer of weights and measures has been appointed and acted is still in force and there shall continue to be a sealer of weights and measures and also a head of this department of weights, measures, and markets?

Mr. MAPES. No; the superintendent of weights, measures, and markets is one official, and then he has some assistants.

Mr. McLAUGHLIN of Michigan. Well, is the sealer of weights and measures to continue in office?

Mr. MAPES. The superintendent of weights, measures, and markets is the correct designation. He used to be called the "sealer of weights and measures," but in 1910, by the passage of a very short law, the title of the office was changed to that of superintendent of weights, measures, and markets.

Mr. McLAUGHLIN of Michigan. Then will he continue in office after the passage of this law and the appointment of this—

Mr. MAPES. No; that law is repealed in the last sections of this bill.

Mr. McLAUGHLIN of Michigan. Then there is to be only one of these gentlemen in this office performing this duty?

Mr. MAPES. That is all.

Mr. BANKHEAD. Mr. Chairman, I desire to submit a parliamentary inquiry if the gentleman will permit.

Mr. MAPES. I understand the gentleman from Connecticut desires to ask a question?

Mr. TILSON. I wish to ask about the necessity for the creation of a new department known as the department of weights, measures, and markets. Heretofore there was a sealer of weights and measures retained under the commissioners. In this bill we provide a new department, which sounds rather large. I do not know what the importance of it may be that makes it necessary.

Mr. MAPES. The appointment is made in the same way by the commissioners. I imagine the change would be more nominal than anything else.

Mr. BLANTON. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama desires to submit a parliamentary inquiry.

Mr. BANKHEAD. Mr. Chairman, I desire to submit this inquiry: I notice sections 30 and 31 of the bill are matters of definition. It seems to me it would be more appropriate, as a matter of ordinary construction of legislation of this sort, to have had those sections, instead of being put in the back of the bill, come after section 1 of the bill; and I desire to ask if it would be in order to move or offer an amendment transposing those two sections and number them properly, so that they would follow immediately after the present text of section 1 of the bill?

The CHAIRMAN. That is a question that will properly arise when those sections are reached in the consideration of the bill for amendment.

Mr. BANKHEAD. I want to know if it can not be raised now?

The CHAIRMAN. Only by unanimous consent, by advancing to that portion of the bill.

Mr. BANKHEAD. I simply desired to call the attention of the chairman of the committee to it. It seems to me, in view of the subject matter of those two sections, they should properly be in the first part of the bill, and when it is reached it seems to me it ought to be transposed.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, mention was made a moment ago of the 7-cent fare which is charged on the street car lines in Washington. I am not at all surprised that we are paying 7 cents for passage on street cars here, because since last April, nine long months, the Washington Electric Street Railway Co. has been repairing its track on one short street here in this city—East Capitol Street—which faces the main east entrance of this building. They have had that track torn up for nine long months—since April. They have had at work there during that time—because I have seen them every day except a few days when there was bad weather and when they could not work—all the way from twenty-five to over a hundred workmen; and if every man in this House or in this city could have just gone up there day after day and watched that bunch of men fool away time they would not be surprised at 7-cent fares.

Out of the biggest number they ever had at work there at any one time, there was about the same percentage at work as there is a percentage of the Members of this House at work right now on the floor of this House. We have here on the floor 24 men, embracing the distinguished Republican leader from Illinois [Mr. MANN], whose presence here, I am sure, we are all glad of at this time. Out of 435 men, we have 24 Members here at work now on legislation, when the House on this, the Republican, side have been telling the people all over the country that they are much concerned about the affairs of the country. Are they concerned? Just so is the concern of the employees of this street railway company, and if the officials of that company, if the manager of that company, if the superintendent of it, would see to it that it gets proper service from its employees who are drawing money from the company,* which many people of this city have to make good in 7-cent fares and in increases of fares, if they would see to it that the men who are working for them give a good honest day's work, and not fritter away their time in idleness, we would not have to pay 7-cent fares. They could cut the fare, if they would make all those men work, down below 5 cents and still make money. Any efficient street-railway con-

tractor, with this big force of men, should have been able to have built twenty times as much new trackage as this company has been trying to repair on East Capitol Street during the last nine months. If all of its trackage has cost as much in repair as this small East Capitol Street sector, I am not surprised that this company must require a 7-cent fare to do business.

Mr. GARD. Has the gentleman read the bill with reference to the amount of water that may be in a package of shucked oysters, and does he know the amount of water there is in the stock of any of the street-railway companies here?

Mr. BLANTON. If there is half as much water in their stock as there is inactivity in their workmen, there is a plenty.

Mr. LAYTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAYTON. The point of order is that the gentleman is not discussing this bill, as I understand it, and I am trying to save the time of the 25 Members who are here at work.

The CHAIRMAN. The point of order is sustained. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. GARD. Mr. Chairman, I move to strike out the last three words for the purpose of asking a question of the chairman of the committee.

The CHAIRMAN. The gentleman from Ohio is recognized in opposition to the motion of the gentleman from Texas.

Mr. GARD. Mr. Chairman, I desire to ask the chairman of the committee whether there is any provision in this bill—I have read it as carefully as I could and I fail to find it—concerning a place—a room or rooms—where this division or department of weights and measures and markets may be carried on? The old law contained, in section 3, a provision that the commissioners should provide for the use of the sealer and his assistant, and so forth, a suitable room or rooms to be used for the business, and the commissioners should provide a horse and wagon for the use of the sealer and assistant sealer at such time as the business of their office should require. Now, it must be manifest that this department of weights, measures, and markets must have a place in which to carry on its business for two reasons—one that the public may know and the other that the business may be properly transacted. Now, there is no provision in the bill H. R. 8067, as I have read it, which provides that there shall be any recognized place for this division or department of weights, measures, and markets, nor is there any corresponding authority for the provision of a horse and wagon, or, as I suspect will be necessary to-day, an automobile, for the use of those that carry on this work. I call the attention of the chairman and the members of the committee to this apparent omission in order to learn if there is a desire to amend the bill to incorporate anything of this kind.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. MAPES. I will say to the gentleman that that omission was intentional. The sealer of weights and measures thought it was unnecessary to carry that in the bill, and he assumed that his office would be in the District Building, the same as other employees of the District are in that building.

Mr. GARD. Does not the gentleman think that the bill should carry a designation as to where the office of this department of weights, measures, and markets should be, at least for the purpose of information? Should there not be some definite authority as to where he is and some definite authority for the provision of room, or of such transportation as is necessary for the business of the office?

Mr. MAPES. Personally I do not think it makes any difference. The sealer of weights and measures thought it was unnecessary.

Mr. McLAUGHLIN of Michigan. But the gentleman will notice that the office of the sealer of weights and measures is abolished, or will be if this act is passed, and he will no longer be in existence. What weight will his opinion of how and where the business is to be transacted have? I do not know that it is important that the bill should designate a place or that a place should be provided, but when the gentleman from Michigan says that the omission was on the expression of opinion of the sealer of weights and measures, he is the man who is abolished, and the place is abolished. He will not be here.

Mr. MAPES. Mr. Chairman, for the sake of my technical colleague from Michigan, I will say that my description was not entirely accurate. The superintendent of weights, measures, and markets is often referred to as the "sealer of weights and measures"; but, in fact, there is no such officer as the sealer of weights and measures and no such office. It is the "superintendent of weights, measures, and markets," and whenever the chairman of the District Committee speaks of the sealer of weights and measures he means the superintendent of weights, measures, and markets. It is the old law relative to the sealer

of weights and measures that this bill proposes to repeal. But it does not do away with the superintendent of weights, measures, and markets. This bill proposes to give him additional power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last four words.

Mr. LITTLE. Mr. Chairman, I am very much interested in the announcement of the gentleman from Texas [Mr. BLANTON] that there are only 24 Members here. I have read this bill through now. It is all right, so far as I can see, and I expect to vote for it.

I like the committee amendment, too, on page 17. If there is any necessity for me to vote on that, I will. That leaves me free to go away, and in a moment there will be only 23 here. Instead of sitting around and pestering the committee with points of order and advice about something that I do not know as much about as the members of the committee do, I shall go over to my office and attend to business there for awhile. The committee has studied the bill carefully, I hope. I could sit here and ask questions and make speeches, but instead of that I am going back to my office, and I am going to work. I have another bill before another committee that I think is more important than this, and for several days I have not had time to get at it. I thank the committee for getting the bill out in this way so that I can get back to my business. I have a lot of letters that I have to write to my constituents, people who need attention—business in the departments—and I can not get time to do it except when some bill like this is called up from a committee in which I have confidence and which commends itself to me when I have read it.

Mr. BLANTON rose.

Mr. LITTLE. I thank the committee for giving me this opportunity; and aside from that I want to say about the speech of the gentleman from Texas [Mr. BLANTON], now that I see he is on his feet, that he is quite right about the street railroads. Whether there is any other omission from the bill, there ought to be some way of getting at the railroads. What the gentleman says is all right. I would like the committee to tell us, some time during the consideration of some bill concerning the District, whether a Congressman has any rights in this town anywhere, on the street cars or anywhere else. I know of a Congressman who passed through the hands of three physicians in this town. One of them sent him a bill for \$25 for an operation, and—

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BEE. Is he still here? [Laughter.]

Mr. LITTLE. Yes. But there was no operation performed in that case. The gentleman from Texas [Mr. BEE] is lucky. He came safely through an operation here. Though there was no operation, this gentleman was charged \$25 for an imaginary one. This Congressman asked that doctor if there had been any operation, and he answered, "No, there was no operation; but I always send in a bill for \$25 in such a case, anyway." The gentleman paid a good-sized bill and the \$25 more rather than go to law. This Congressman was sent to the hospital and was put in charge of a hospital doctor, and one day another doctor came in with a nurse, and he said, "Who are you?" The doctor said, "I am the doctor." The victim supposed he was the physician in charge in the hospital, but it turned out that he was just "snitching" a case. When the sick man went away from the hospital the other fellow turned up with a bill for \$25. Rather than go through the trouble of a lawsuit, he paid that bill. He afterwards made inquiry of the authorities who have charge of such things. He said, "There is a law in this District that provides that for unprofessional or dishonorable conduct a doctor can be made to lose his license. Is it unprofessional or dishonorable to snitch a case and lie about it, and pretend that you are an official hospital physician when you are not, and send a man a bill for \$25 for services never performed? Is there any law against that? Is it unprofessional or dishonorable in Washington for a doctor to charge for an operation he never performed or to snitch a case in a public hospital?" And the man answered, "No; there is not. The courts have decided that the law to take away a doctor's license in Washington for unprofessional or dishonorable conduct is unconstitutional."

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLANTON. Now that the efficient gentleman from Kansas has shown that he is one of the 24 men present, I would like to suggest to him that where we Members of Congress are

not familiar with the provisions of the bill, by staying here and listening to the discussion of it we can gain some knowledge of it by absorption.

Mr. LITTLE. That is quite true. Most of the legislation is of such a character that it should have the careful consideration of all till it is completed. But here is a District of Columbia bill, purely local in its force. My constituents have about the same interest in it they have in the city ordinances of Chicago. Then, department needs, and the general legislation of the Nation now before committees of which I am a member, is vastly more needful of my time than this bill. Gentlemen who are on the committee, gentlemen who have time to spare are giving this their attention, and I shall keep in touch with the progress of this bill and be ready to vote on all important phases of it.

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired on the pending amendment.

Mr. LITTLE. I will say good-by now. [Laughter.]

Mr. MAPES. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Michigan moves that all debate on this section and all amendments thereto be now closed.

Mr. BEE rose.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Michigan.

Mr. MAPES. Mr. Chairman, I will yield to the gentleman from Texas.

Mr. BEE. Just for one moment.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The motion is not debatable.

Mr. MAPES. I will withdraw the motion if the gentleman has germane amendments. The gentleman from Ohio has had the floor twice on this section. I hope the gentleman will not bring in a lot of immaterial and irrelevant matters. This is an important bill. I know the provocation on the part of Members of Congress is great for calling attention to abuses here in the District, but here we have an opportunity this afternoon to remedy some of the principal abuses.

Mr. GARD. Mr. Chairman, I am in accord with the gentleman.

Mr. MAPES. Let us not by discussing irrelevant matters delay the passage of the bill, which is material and important. I will withdraw the motion, if the gentleman has a germane amendment.

Mr. BEE. I will not offer mine.

Mr. GARD. Mr. Chairman, I offer to amend, on page 2, line 9, after the word "provide," by inserting the following:

The said commissioners shall provide for use of the department of weights and measures and markets—

The CHAIRMAN. Will the gentleman from Ohio send his amendment to the Clerk's desk?

Mr. GARD. I think I can state it so it can be read by the Clerk.

The CHAIRMAN. Amendments must be reduced to writing and sent to the Clerk's desk and read. The Clerk will read.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Did the Chair indicate a moment ago that I must present my amendment in writing before it can be considered?

The CHAIRMAN. The Chair requested the gentleman to reduce it to writing.

Mr. GARD. I am offering what I think is a pertinent amendment.

The CHAIRMAN. The Chair is simply announcing the rule of the House. The gentleman can govern himself accordingly. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the superintendent and, under his direction, his assistants and inspectors, shall have exclusive power to perform all the duties provided in this act. They shall, at least every six months, and oftener when the superintendent thinks proper, inspect, test, try, and ascertain whether or not they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measuring, and all tools, appliances, or accessories connected with any or all such instruments or mechanical devices for weighing or measuring used or employed in the District of Columbia by any owner, agent, lessee, or employee in determining the weight, size, quantity, extent, area, or measurement of quantities, things, produce, or articles of any kind offered for transportation, sale, barter, exchange, hire, or award, or the weight of persons for a charge or compensation, and shall approve, seal, and stamp or mark, in the manner prescribed by the commissioners, such devices or appliances as conform to the standards kept in the office of the superintendent, and shall seize and destroy or mark, stamp, or tag with the word "condemned" such as do not conform to the standards, and shall also mark the date of such condemnation upon the same. Any weight, scale, beam, measure, weighing, or measuring device of any kind which shall be found to be unsuitable for the purpose for which it is intended to be used or of defective construction or material shall be condemned. No person shall use or, having the same under his control, shall permit to be used for

any of the purposes enumerated in this act any weight, scale, beam, measure, weighing, or measuring device whatsoever unless the same has been approved in accordance with the provisions of this act within six months prior to such use.

Any person who shall acquire or have in his possession after the passage of this act any unapproved scale, weighing instrument, or nonportable measure or measuring device, subject to inspection or test under the provisions of this act, shall notify the superintendent in writing at his office, giving a general description thereof, and the street and number or other location where same may be found, and it shall be the duty of the superintendent to cause the same to be inspected and tested within a reasonable time after receipt of such notice. Any person who shall acquire or have in his possession after the passage of this act any unapproved portable measure or measuring device subject to inspection or test shall cause the same to be taken to the office of the superintendent for inspection and test.

Every peddler, hawker, huckster, transient merchant, or other person with no fixed or established place of business shall, before using any weight, scale, measure, weighing or measuring device for any of the purposes enumerated in this act, cause the same to be taken to the office of the superintendent for inspection and test semiannually, and shall not use for the purposes herein mentioned any weight, scale, measure, weighing or measuring device which has not been approved within six months prior to the time of such use.

Nothing herein shall be construed to require the superintendent to test any weighing or measuring device belonging to the United States.

Mr. MAPES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 3, after line 25, strike out the period, insert a comma and the following: "Or that does not conform to the standard kept in the office of the superintendent of weights, measures, and markets, or which having been condemned has not thereafter been approved as provided in this act."

Mr. MAPES. Mr. Chairman, the language of the bill apparently does not cover a case such as the amendment has in mind. The bill provides that these weighing devices must be approved by the superintendent of weights, measures, and markets once in six months, but there is no provision prohibiting the use of a device during that six months if it is defective, and this amendment proposes to make it unlawful for a user of a measuring device or scale to use it in case it gets out of order within the six months.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. MAPES. I yield to my colleague.

Mr. McLAUGHLIN of Michigan. On page 3, in lines 12, 13, and 14, I see authority is given to the superintendent of weights, measures, and markets to seize and destroy any of these scales or devices, tools, appliances, accessories, and so forth; or he may mark or stamp them with the word "condemned." It seems to me that is pretty large authority to put into the hands of a man, to permit him of his own motion arbitrarily and immediately to have the right to destroy these things.

Mr. MAPES. I will say to the gentleman that that is the existing law. There has been no change in that regard.

Mr. McLAUGHLIN of Michigan. I do not know that that makes it right. I am not prepared to suggest an amendment, but I am just wondering if the gentleman from Michigan, chairman of the committee, has thought of that matter and had his attention directed particularly to those words, and to that very large authority, to let the superintendent go into any place of business and seize any weighing device and any tools, appliances, and accessories and, in his judgment, immediately destroy them.

Mr. MAPES. In order to make the law effective it is necessary to give the inspector some broad powers. A dealer certainly ought not to use a weighing device that is not accurate.

Mr. McLAUGHLIN of Michigan. That is entirely true.

Mr. MAPES. There has been no abuse of the present law that has been brought to my attention.

Mr. McLAUGHLIN of Michigan. I have no amendment to suggest, but it strikes me as being a pretty broad power.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, a few moments ago I submitted a parliamentary inquiry to the Chair, who decided that it was not in order to move a transposition of sections 1 and 31. I am now informed that the Chair thinks possibly he was inadvertent in that ruling, and in order to raise that question in its appropriate place, I ask unanimous consent to return to section 1, so that I may offer that motion.

Mr. MAPES. Reserving the right to object, I think we ought to go along and read these different sections in the order in which they appear in the bill.

Mr. BANKHEAD. I lost the opportunity to present the question by reason of the ruling of the Chair.

Mr. MAPES. I will say to the gentleman that the practice of the House in the majority of cases is to put the definitions in the latter part of the bill.

Mr. BANKHEAD. That has not been the practice latterly, I will say to the gentleman.

Mr. MAPES. I think the gentleman is mistaken.

Mr. BANKHEAD. It is a matter of no importance—

Mr. MAPES. For that reason I do not see why the gentleman from Alabama is making so much of it.

Mr. BANKHEAD. I am doing it simply in the interest of what I regard as the orderly method of consideration of the bill. Does the gentleman object?

The CHAIRMAN. The Chair will announce that when the parliamentary inquiry was made by the gentleman from Alabama the Chair stated that a subsequent section could only be inserted in the portion of the bill under consideration by unanimous consent. The Chair thinks he was in error, if the matter desired to be transposed is proper for consideration at the portion of the bill under discussion. It has been held in the consideration of bills in the House that a subsequent section might be offered in connection with the section then under consideration. The Chair wants to make that statement in connection with the present request of the gentleman from Alabama.

Mr. MAPES. Mr. Chairman, I think we will make better progress if we go along and read these different sections in their order, and for that reason I object.

The CHAIRMAN. The gentleman from Michigan objects.

Mr. WATSON of Pennsylvania. Mr. Chairman, I am somewhat interested in this bill as a moral thermometer of the American people, and I want to ask the chairman if there was any evidence brought before the committee to show increasing dishonesty amongst our people. It seems, if it is necessary to pass such legislation as this measure defines, and with a severe penalty attached, in order that a purchaser may buy an ounce for an ounce or a pound for a pound, civilization has not advanced very far. It occurs to me that the methods of education for the past 3,000 years and the culture and refinement surrounding our homes and the many forms of religion throughout the world have proven a failure if this bill is required to protect our people from exercising fraud one toward the other. Was there any testimony, Mr. Chairman, to show a lowering of the standard of business morality?

Mr. MAPES. In answer to the gentleman from Pennsylvania I will say that as far as I am concerned I continue to have a great deal of faith in human nature. But while the great majority of the people in the District of Columbia undoubtedly are honest, the same as the great majority of the gentleman's constituents are honest, there are always a few men in business and in trade who require a law of this kind to keep them from gouging the public. This is for the purpose of regulating those few men and not for those who are honest and do not require a law of this kind.

Mr. WATSON of Pennsylvania. I am glad the evidence showed that only a few people made this law necessary.

Mr. GARD. I ask unanimous consent to return to section 1, on page 2, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 1 for the purpose of offering an amendment. Is there objection?

Mr. MAPES. Mr. Chairman, reserving the right to object—

Mr. GARD. I think if the gentleman hears the amendment he will agree to it.

Mr. MAPES. I hope we can finish the reading of the bill. Then if it is thought desirable to return to section 1 we can do so.

Mr. GARD. It is just a short amendment. I would be glad if the gentleman would hear it.

Mr. MAPES. Let us get through with the bill. For the present I object.

Mr. GARD. If it is desired to go ahead in a formal way and if we can not have the proper opportunity of offering amendments, then I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-one Members present. Not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Brumbaugh	Crowther	Ellsworth
Anderson	Burdick	Dallinger	Esch
Andrews, Md.	Burke	Davis, Minn.	Fairfield
Aswell	Burroughs	Dempsey	Ferris
Ayres	Butler	Denison	Fraser
Bacharach	Carew	Dent	Gandy
Baer	Casey	Donovan	Garner
Barbour	Cleary	Dooling	Godwin, N. C.
Bland, Ind.	Cole	Doremus	Goldfogle
Bland, Mo.	Collier	Dunn	Goodall
Booher	Cooper	Dupré	Goodwin, Ark.
Brinson	Copley	Eagle	Gould
Britten	Costello	Echols	Graham, Pa.
Browning	Crago	Edmonds	Graham, Ill.

Hamill	Kennedy, R. I.	Osborne	Taylor, Ark.
Hamilton	King	Pell	Taylor, Colo.
Haskell	Kraus	Ramsey	Thompson
Haugen	Kreider	Randall, Calif.	Upshaw
Hernandez	Langley	Randall, Wis.	Valle
Hersman	Larsen	Reed, N. Y.	Vare
Hickey	Leshner	Riddick	Venable
Hill	McClintic	Riordan	Vestal
Hoch	McKeown	Rodenberg	Voigt
Hudspeth	McLane	Rowan	Wason
Hulings	Merritt	Rowe	Watson, Va.
Humphreys	Miller	Rucker	Webster
Husted	Moore, Pa.	Sabath	Welty
Hutchinson	Moore, Va.	Sanders, Ind.	Wheeler
Igoe	Moore, Ind.	Sanders, La.	White, Kans.
Jacoway	Morin	Schall	Wilson, Ill.
James	Mudd	Scully	Winslow
Jefferis	Nelson, Wis.	Sears	Wise
Johnson, Ky.	Newton, Minn.	Snell	Wood, Ind.
Johnson, S. Dak.	Nicholls, S. C.	Steele	Woodyard
Kahn	Nichols, Mich.	Stevenson	Young, Tex.
Kearns	Nolan	Sullivan	Zihlman
Kelley, Mich.	O'Connor	Sumners, Tex.	
Kennedy, Iowa	Olney	Swope	

The committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 8067 and finding itself without a quorum, under the rule he had caused the roll to be called, whereupon 279 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. GARD. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Page 4, line 26, insert a new section to be known as section 3½: "The Commissioners of the District of Columbia are hereby empowered and directed to preserve a schedule of fees to be charged by the department of weights, measures, and markets for their services under the provisions of this bill, which schedules shall be printed and conspicuously displayed in the office of the department of weights, measures, and markets. Such schedule of fees shall be so arranged as to provide as nearly as may be for all the salaries and expenses connected with the office of the department of weights, measures, and markets, and no more. All fees collected by such department shall be paid over to the collector of taxes of the District of Columbia under regulations to be prescribed by the Commissioners of the District of Columbia and be covered into the Treasury of the United States as other revenues are now."

Mr. GARD. Mr. Chairman, the amendment I have offered as a new section is practically a reenactment of section 4 in the existing law approved March 2, 1895. It has for its purpose what I assume is the purpose of similar departments in every city in the United States, at least the cities with which I am familiar, and that is that the department should be self-sustaining as nearly as possible. In other words, where we create a public service, a service of a particular kind, to afford information or assistance to certain persons in carrying on their business, that service should be compensated for by the men for whose benefit it is. Now, the trouble with this bill is, as I view it, that the first paragraph of the bill says that it is to assemble here a great organization of people, paid by the United States of America, and no part of it should be paid by the men who directly receive the benefit.

On page 21 of the bill there is a provision for the appointment of weighmasters and for a schedule of fees to be arranged for weighmasters and those who have charge of the public scales. I assume that it is equally as proper for a man who has his goods weighed on the public scale to pay as it is for one who takes his measure and his scales under the law to the department of weights and measures in order that they may be made standard under the law. The basic idea of the bill is very good, and I am pleased to support it myself, because I think that the tendency in the development of every city is to afford the people of that city honest weights and measures. When weights and measures are fixed by legislation, they should be lived up to. That is the purpose of this bill, and the purpose is carried all the better, I think, by the provisions of section 3½, which I propose as an amendment.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. MANN of Illinois. Under the existing system we have what is called a fee system, have we not?

Mr. GARD. Yes.

Mr. MANN of Illinois. And that is what the language of the gentleman's amendment provides?

Mr. GARD. Yes. It is what is known as a fee system.

Mr. MANN of Illinois. Under the bill it is proposed to abolish the fee system and pay the entire expense out of the General Treasury?

Mr. GARD. Yes; that is the difference between the bill now pending and the amendment which I have offered. The bill as it comes from the District of Columbia Committee pro-

vides that all these fees shall be paid out of the general revenues of the District.

Mr. MANN of Illinois. Not out of the general revenues of the District of Columbia, but out of the General Treasury, one-half of which would be paid from the revenues of the District of Columbia.

Mr. GARD. Out of the General Treasury, of which the people of the District would pay one-half and the people of the States one-half under the general plan now in existence.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, I understand from what the gentleman said a moment ago that they thought it was not proper policy to have the fee system retained, but it seems to me it is in the interest of efficiency of service and in the interest of efficiency of public economy both to the District of Columbia and to the taxpayers throughout the United States that the people who get the benefit of the examination of scales and of all of the work that these inspectors and agents under this plan perform should pay the salary and the fees. The amendment provides that the schedule of fees shall be so arranged as to pay the salaries and expenses connected with the office of the department of weights, measures, and markets and no more. In other words, it is not a money-making enterprise, but it is an enterprise which seeks to impose upon every man who comes there to have his scales tested, to have his measures tested, the same burden as upon him who goes upon the public municipal scale with a load of merchandise and asks that it be weighed. Under the bill pending it provides that the man who takes his merchandise to have it weighed must pay for it, and under the amendment which I offer it would also provide that the man who goes down and gets the benefit of the expert opinion afforded by this department for the benefit of the people to whom he sells goods should pay the small charge for that service rendered.

Mr. MAPES. Mr. Chairman, as I said in my opening statement, it seems to me that the fee system in itself is vicious. The man whose business is inspected ought not to be called upon or allowed to pay a fee for that inspection, and a law which requires it proceeds upon a wrong theory. The inspection is required for the purpose of protecting the public, and no dealer or individual ought to be required to pay for the expenses incident to the inspection which is required for the protection of the public. Contrary to the belief of the gentleman from Ohio [Mr. GARD], the tendency of recent legislation has been to do away with the fee for the inspection, and in many of the larger cities, among them several cities of Ohio, they are abolishing the ordinances and requirements which provide that a merchant who is being inspected shall pay the fees. The Director of the Bureau of Standards in a communication to the superintendent of weights, measures, and markets went into this question very thoroughly, and without attempting to read his letter in toto I would like to read some extracts from it. He says:

In our opinion this system is a very unfortunate one and can not be recommended or defended in any case. It is in effect a tax upon the merchants for the primary protection of the general public. While it is a fact that the inspection of weights and measures undoubtedly protects the honest merchants from the injurious effects of dishonest competition by compelling all to give honest weight and measure and also protects the merchants from delivering overweight through ignorance of the condition of their apparatus, nevertheless the main object of inspection is to protect the consumer from being defrauded by the knowing use of false weights and measures by dishonest tradesmen, and this last-mentioned protection is probably the most important furnished by the department. When viewed in this light the only excuse for the fee system falls to the ground, since it is manifestly unfair to single out one class and burden them with taxes for the whole community. This service is of the character of police protection and all residents receive the benefits of the system. Therefore, the equitable way in which to distribute the cost of the system is by general taxation. * * *

Further along in his letter he says:

4. Nor can the system be defended in practice. Many of the abuses found in connection with the enforcement of the weights and measures laws throughout the country can be traced to the fee system. It prevents the largest measure of cooperation between the honest merchant and the department, which is necessary before the inspection service can reach the maximum efficiency. It discourages "surprise" inspections by the department, since the merchants keep very close watch that they are not required to pay fees any oftener than is required by law. Moreover, the inspectors are constantly tempted to strain a point and put the official seal on apparatus not exactly accurate, since they know that the success or failure of the office is often measured by the amount of fees turned in. Throughout the country this system is falling into disfavor and disuse because it does not produce the best results in practice.

To this letter he attaches a list of cities which have done away with the fee system, and that list includes Akron, Cin-

cinnati, Cleveland, and Columbus, in the State of Ohio, as well as other cities, such as Atlanta, Ga., Albany, N. Y., and a great many others.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. GARD) there were—ayes 6, noes 41.
So the amendment was rejected.

The Clerk read as follows:

Sec. 8. That when any commodity is sold by weight it shall be net weight. When any commodity, except coal, is sold by the ton, it shall be understood to mean 2,000 pounds avoirdupois. Coal shall be sold by the long ton, consisting of 2,240 pounds avoirdupois.

Sec. 9. That no person, firm, or corporation shall erect, operate, or maintain, or cause to be erected, operated, or maintained within the District of Columbia any coin-in-the-slot machine or automatic vending device without placing in charge thereof some responsible person. No such machine shall be maintained for use when the same is not in perfect working order, and the person in charge as well as the owner of such machine or device shall be held responsible for operating or maintaining any such machine or device which is not in perfect working order. A sign or placard shall be placed on every such machine or device in a conspicuous place and shall contain the name of the owner and of the person in charge of such machine or device, and shall state that the person in charge of such machine or device will refund to any person money deposited by him for which the commodity or service promised expressly or impliedly has not been received, and such person shall so refund such money.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 6, line 16, after the words "section 9," strike out all of language in lines 16, 17, 18, 19, and 20, down to and including the word "person."

Mr. GARD. Mr. Chairman and gentlemen of the committee, the language contained in this bill, it seems to me, is unnecessarily drastic in this particular provision. It provides that all automatic vending devices shall be placed in charge of a responsible person and makes it a penalty under this law if they be not. Now, we are all familiar with these automatic vending devices. Coming down the street from where I live in Washington I pass vending devices which are of great benefit to people in the vicinity in the sale of newspapers. The newspapers in the city of Washington are placed on stands with a little cup, and there is an opening on one side of the cup where one may deposit 1 or 2 pennies, as the case may be, for the particular paper. That is an automatic vending device. Now, to say that with such a state of affairs as that—and that is not an extreme case, because more people buy newspapers in the mornings coming from their homes in the city of Washington from these little automatic corner venders than from any other source. In fact, the newspapers maintain automobiles which go about filling these automatic venders and return for those which may be left after the sales are presumably over for the time for which they are issued.

Now, under this law it would be necessary to put some responsible person on every street corner in the city of Washington where the Post or the Herald or the Times or such other papers as use these automatic venders are placed, and it seems to me that the subsequent provision can be so modified as to protect what is manifestly the intent of the law, and that is to protect the vending machine from getting out of order, for the benefit of the person, young or old, who puts 1 cent or 2 cents in the slot machine.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GARD. I do.

Mr. MANN of Illinois. Does not the gentleman think these newspaper machines are in charge of some responsible person?

Mr. GARD. No; they are not; no.

Mr. MANN of Illinois. Well, does the gentleman think the language means that somebody has got to stand over the machine all of the time?

Mr. GARD. I do not know that he has to stand over it all of the time, but the language says that some person must be in charge, must be placed in charge thereof, some responsible person.

Mr. MANN of Illinois. Some one is in charge of those machines who puts the newspapers in every morning, and I suppose takes the money out occasionally. Some one is in charge of all of those machines.

Mr. GARD. I do not think the gentleman's construction of this particular instance I cite can be the construction of this law.

Mr. MANN of Illinois. Why, it seems to me it is perfectly patent that it is the case. It is perfectly certain it is not the purpose of that language to say that some man shall stand by the machine all the time and do nothing else. Then what does it mean; that some one responsible has charge of the machine,

looks after that machine, collects the money from the machine, and is responsible to know that the machine is in order and to safeguard its getting out of order? Now, the newspaper is the person here. It does not mean the newspaper agent has to stand by the machine. It means that the newspaper or whoever is in charge knows the machine is in order within a reasonable time after it gets out of order, and if it is out of order is responsible for the money which is put in there when it gets out of order.

Mr. GARD. I agree with the gentleman that is the intent of what the proper law should be.

Mr. MANN of Illinois. I think it is what it says.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. Mr. Chairman, I move to strike out the last word. If the amendment of the gentleman from Ohio [Mr. GARD] should prevail, does not the gentleman think that after the word "no" in line 20 you should define the word "machine"?

Mr. GARD. Oh, yes. I say if this amendment should prevail there should be an amendment after the word "no" to carry what you have in mind, that a slot or automatic vending machine should be put in there, and I will say to the gentleman that unless this language goes out here that the section is absolutely meaningless, because if there is any purpose in this particular section at all it is that these automatic devices shall be in charge of some one who will see they are honestly conducted for the public benefit.

In other words, if your child goes to a corner where there is one of these devices and puts in a penny and seeks to get a piece of candy or a small section of chocolate, it should be in repair so that the child or anybody else would get the supposed value of the money put in there. Now, to say that this must be in charge of some responsible person is to say that some one must have supervision over the continued working of these machines, not that he should come once a day and look at them, or once a week or once a month.

Mr. LAYTON. I want to say to the gentleman, so far as my experience is concerned in reference to newspapers, I do not think there is anybody in charge of them at all, except that they carry the papers there, and it is the most blessed example of trust I ever saw in my life. You may take your newspaper and need not put down your 2 cents unless you wish to do so. There is not a soul there to see whether you do or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

Mr. MAPES. Mr. Chairman, without taking much of the time of the committee, I just want to call attention to the fact that in order to regulate this matter at all you have got to have somebody in charge of the machine that you can place the responsibility upon. The sentence that the gentleman from Ohio would eliminate does not mean, as the gentleman from Illinois has pointed out, that such person has got to be present all the time. Besides, I am not sure that the machines that the gentleman from Ohio has particularly referred to would come under the designation here as an automatic vending device. They are not much more of a vending device than we have down here at the foot of the stairs, where the papers are all on a table, and we go along, drop 2 cents down, and take up a paper. That is practically what is done at these paper stands on the street. But they are all in charge of somebody, I will say to the gentleman. Not long ago I was waiting for a street car on one of the corners up on the hill near where the gentleman from Ohio lives, and the man in charge of some of the paper stands to which the gentleman refers came along, unlocked the little tin can which was attached to the stand to receive the pennies, and took out the money along early in the forenoon for the papers that had been sold that day. He was in charge of that machine just as much as though he had been standing there all the time. He took the money out of the box on one corner and then went across the street and took the money out of the box there. He was just as much in charge and just as responsible for these particular machines as anyone could be.

Mr. EVANS of Nevada. I want to ask the gentleman whether regulation ought not to be given to the nickel that you drop into a telephone and do not get the hello for?

Mr. MAPES. You do not drop the nickel in, as a rule, until the operator has answered your call.

Mr. EVANS of Nevada. It seems to me that is a more important thing than these papers.

Mr. MAPES. It is true that it is a very annoying thing.

Mr. MANN of Illinois. Mr. Chairman, I make a motion to perfect the section.

I would like to call the attention of the gentleman from Ohio [Mr. GARD] to the latter provision of this section, which, it seems to me, is the real and only important part of it. It provides for naming some person who shall be in charge of a

machine. It then provides there shall be placed on such machine a placard or device of some kind giving the name of the owner and the person in charge. It then provides that if the machine does not work the money shall be refunded by the owner or person in charge.

Now, the language the gentleman proposes to strike out by his amendment is only preliminary to the essence of this section. It simply provides that you must name some one as the person in charge. Thereupon you must put upon the machine itself the name of the owner and the person in charge, and such person must be prepared to refund any money which is put into the machine without its operation. I do not know whether that ought to be done or not. I do not know how much intentional or unintentional fraud may be carried on by these machines. I seldom patronize any kind of slot machine myself and I have not any children to do it. But if we intend to say that the name of the person in charge shall be placed on the machine, then we ought to say as a preliminary that there shall be a person in charge.

Mr. GARD. Will the gentleman yield?

Mr. MANN of Illinois. I yield.

Mr. GARD. I agree with the gentleman that the latter part of the section, beginning on line 25, providing for the placing of placards of identification, is the important part of it. I am interested to know what is the gentleman's definition of the words "without placing in charge thereof some responsible person."

Mr. MANN of Illinois. I think that only means that you must put upon these machines the name of the owner of the machine and the name of some responsible person in the District of Columbia who will refund any money improperly collected. I think it is perfectly clear that is what it means.

Mr. GARD. No.

Mr. MANN of Illinois. Now, of course, if the owner is in the District of Columbia himself, he puts his own name as both the owner and the person responsible. But a large share of these machines are owned outside of the District of Columbia, and they ought to name somebody in the District to whom people will know they can go and collect the money. Ordinarily, probably, it might be a storekeeper in whose store the machine is kept or it might be they would have a general office in the District. That would be sufficient. That covers the trouble. It is the purpose of the section.

Mr. GARD. Does not the gentleman think that all the purposes of the section would be carried out by the language to which he has referred, and the language which I seek to strike out is but an unnecessary and confusing preliminary?

Mr. MANN of Illinois. No. You have got to say, first, that there shall be a person in charge before you say they shall name the person in charge. Unless you say there shall be a person in charge, you can not put any provision here that they shall put on the name of the person in charge, because if they do not have anybody in charge then they do not name anybody in charge, and they are not violating the law by not naming anybody in charge.

Mr. LAYTON. Will the gentleman yield for a moment?

Mr. MANN of Illinois. I think the gentleman from Ohio has in mind the fact that it is unnecessary to have a person in charge mentioned in the same section twice.

Mr. GARD. Yes. My contention is that the latter part of the section, beginning on line 25 and including the lines on page 7, is a complete statement of what is necessary and the proper one, because, as the gentleman from Illinois has indicated, the slot-machine business in the selling of candy and gum is, in some places, a very considerable business.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken; and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. GARD), there were—ayes 11, noes 34.

So the amendment was rejected.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 7, line 2, after the word "name" insert the words "and business address."

Mr. LANHAM. Mr. Chairman and gentlemen, I think the purpose of this amendment is obvious. The name of the owner of one of these machines or the person in charge, for example, might be John Smith, but it would be very difficult to locate John Smith without the business address being given.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer an amendment. In lines 19 and 20 strike out the words "placing in charge thereof" and insert in lieu thereof the word "designating," and after the word "person," in line 20, insert the language "who shall be responsible for the operation of such machine or device."

The CHAIRMAN. The gentleman from Texas will reduce his amendment to writing to send it to the Clerk's desk.

Mr. CONNALLY. It seems to me, Mr. Chairman and gentlemen of the committee, that there is merit in this amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 6, line 19, after the word "without" strike out the words "placing in charge thereof" and insert in lieu thereof the word "designating," and after the word "person," in line 20, insert the words "who shall be responsible for the operation of such machine or device."

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, it seems to me that the objection of the gentleman from Ohio [Mr. GARD] is somewhat well taken. The language of this bill as it was drafted by the committee says that "no person, firm, or corporation shall erect, operate, or maintain, or cause to be erected, operated, or maintained within the District of Columbia any coin-in-the-slot machine or automatic vending device without placing in charge thereof some responsible person." It is explained that the object of this provision is simply to require that some responsible person be charged with responsibility for the operation of that machine.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Michigan.

Mr. MAPES. Does the gentleman think that his suggested amendment changes the intent of the law at all, or the language of the law, when you read the next paragraph in connection with it?

Mr. CONNALLY. I have read the other. I know what it means.

Mr. MAPES. You have read the sentence?

Mr. CONNALLY. Certainly.

Mr. MAPES. Does the gentleman think that it adds anything to the language of the bill?

Mr. CONNALLY. I do not pretend that I possess any power in framing language superior to the committee, but at the same time my amendment makes it clear and plain what the chairman of the committee says is meant by the bill. I think that the language used by the committee is unfortunate because it is not clear. If it would confuse a man of the legal attainments and erudition of the gentleman from Ohio [Mr. GARD], it would certainly confuse some of these weight-and-measure inspectors that the committee is going to have in charge of the execution of this bill.

Mr. MAPES. Of course, that is a very strong argument in favor of its being inserted. But it seems to me when you read the sentence the gentleman's language simply duplicates the language of the next section.

Mr. CONNALLY. That may be in a measure true. If you study and work over it and figure it out, you may probably arrive at what the committee wants to do, but why not say what you mean in plain language? Why employ language that requires a lawyer to construe the provisions of this act? I suppose this bill was written by the man who is going to have charge of its operation. I am almost sure of that, because the chairman himself has suggested that some other provision of the bill was written in a certain way because the man who will have charge of the enforcement of the act did not want it another way. When we make a penal statute it seems to me we should make it plain enough that any huckster could understand it. My amendment simply makes clear what the chairman says is meant by the bill. It would be absolutely foolish, of course, to require every owner of one of these devices to have a man in charge of it standing there over it to see that it properly operates, because it would absolutely destroy the use of that machine, because when you put a man in charge of it you destroy the automatic part of it and make it impossible to operate it profitably. Otherwise the man could go ahead and sell the products himself.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. CONNALLY. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 13, noes 24.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, we have just had an extensive debate, pro and con and con and pro, on the subject of automatic newspaper vending machines that are found on some of the street corners of the city of Washington. These machines sell the Washington Herald, which sells for 1 cent per copy in the morning, and also sell other of the Washington newspapers selling for 2 cents a copy, and we have now spent practically all of the day on this measure. We spent all of Thursday and all of Friday and part of this morning on a measure which changed the sacks containing flour and meal from 3, 6, 12, 24, and 48 pounds each to 5, 10, 25, and 50 pounds, and so on. I just want to ask our Republican friends on the other side of the House how much longer they think the country is going to stand for Congress wasting its time on such chicken-feed legislation? Last Thursday, Friday, Saturday, Sunday, and most of this Monday has been wasted with nothing accomplished except the chicken-food measure mentioned above.

Mr. LAYTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAYTON. The same point of order that I suggested some time ago, Mr. Chairman, and if the gentleman from Texas is trying to save time why does he not quit?

The CHAIRMAN. The Chair will rule. The gentleman from Texas is not discussing any matter germane to the bill.

Mr. BLANTON. I would like the gentleman from Delaware, without looking at the bill, to tell me what was the word I moved to strike out. He does not know whether I am discussing that very word in the sentence or not. If he looks at it, he might find out. I am discussing the proposition that the people of this country expect the Congress of the United States to get down to business, reconstruction business, that will bring about better conditions in this country. [Applause.]

Mr. LAYTON. We can not do it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That every person, firm, or corporation shall, when a sales ticket is given with a purchase, cause such sales ticket to show the correct name and address of such person, firm, or corporation and the weight, measure, or numerical count, as the case may be, of each commodity sold to such purchaser, and every such person, firm, or corporation is hereby required to deliver such sales ticket to such purchaser when requested to do so by such purchaser at the time of the sale.

Mr. GARD. Mr. Chairman, I move to strike out section 10.

The CHAIRMAN. The gentleman from Ohio moves to strike out section 10.

Mr. GARD. I do this because I desire information as to just what the section means. It seems to me it is practically useless. It provides that certain things shall be done when a sales ticket is given with the purchase. In other words, it does not require a sales ticket to be given with the purchase unless the purchaser makes a request for it at the time of the sale. That appears in lines 16 and 17. Now, granting that there may be some benefit to come to one who buys from having this sales ticket, it seems to me the section as it now reads does not care for anybody, because it makes no provision for the compulsory giving of a sales ticket with each purchase. It provides that certain things shall be done when a sales ticket is given, but makes no provision that a sales ticket shall be given unless the purchaser demands it.

Mr. WOODS of Virginia. The last clause of the section requires the giving of a sales ticket whenever requested by the purchaser.

Mr. GARD. That does not mean anything, because not 1 person in 500 who goes into a grocery store or other place and buys 10 or 15 or 25 cents' worth of merchandise will request a sales ticket. Now, if it is the idea to make a system of identification necessary with every purchase, then it seems to me the law should be arbitrary and positive in requiring a sales ticket to be given.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does not the gentleman think we are going far enough when we give the purchaser the privilege of demanding a sales slip and then let him exercise his discretion?

Mr. GARD. I say that does not amount to anything. If we are to embark on this scheme of legislation at all, we should require sales tickets to be given with purchases.

Mr. WALSH. Does the gentleman think people going in to buy a yeast cake or 5 cents' worth of crackers will always want a sales slip?

Mr. GARD. No; I do not think so; and yet in many places sales tickets are given, as the gentleman knows. The tendency seems to be now that when you go to a store and buy from a clerk the clerk gives you a sales ticket, which you take to the cashier—it makes no difference whether you buy a cake of yeast or a ham, assuming that one is well enough off to buy a ham occasionally, as the gentleman from Massachusetts is. But my contention is that as this section 10 now reads it does not apply to anything except where a man asks for it.

Mr. WALSH. Why should it?

Mr. GARD. If it is to accomplish any purpose at all, it should be a general sales ticket to be given by the seller for the benefit of the purchaser, without the purchaser being compelled to ask for it.

Mr. REED of West Virginia. Will my colleague yield?

Mr. GARD. Yes.

Mr. REED of West Virginia. Does my colleague think every time a person makes a small purchase at a store he should be compelled to wait for a sales ticket? He may want to get something in a hurry and put it in his pocket and catch a street car in a few seconds, and he would not want to bother with a sales ticket; but when the housewife orders things by phone, as a great many of them do, she ought to be protected by demanding and receiving a sales ticket with the article she buys. Some of the articles might be lost by the carrier. She ought to be further protected as to the weights and quantities she ordered by phone, and thus be able to establish a claim for any false weights.

Mr. GARD. The only thing, in my mind, is whether you should make it general. A man does not want to make out a sales ticket unless he has to.

Mr. REED of West Virginia. I think the section is all right as it stands.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question being taken, the amendment was rejected.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out in line 13 the last word of the line, the word "such." I call the attention of the chairman of the Committee on the District of Columbia to the fact that the word "such" in that connection is not appropriate, and that instead of the word "such" the word "the" should be inserted.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 7, line 13, strike out the word "such" at the end of the line and insert in lieu thereof the word "the."

Mr. MAPES. It seems to me that is all right, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SAUNDERS].

The amendment was agreed to.

Mr. SAUNDERS of Virginia. As a consequential amendment the same thing should be done in line 15 and in line 16.

Mr. MANN of Illinois. Oh, no; it is all right there.

The CHAIRMAN. Does the gentleman from Virginia offer an amendment?

Mr. SAUNDERS of Virginia. It is suggested that it is not necessary in that connection. I will admit that the same reason for it does not exist as in the first instance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That it shall be unlawful to sell or offer for sale in the District of Columbia any coal, charcoal, or coke in any other manner than by weight. No person shall deliver or attempt to deliver any coal, charcoal, or coke without accompanying same by delivery ticket and a duplicate thereof, the original of which shall be in ink or other indelible substance, on each of which shall be expressed distinctly in pounds, avoirdupois, the gross weight of the load, the tare of the delivery vehicle or receptacle, and the net weight of coal, charcoal, or coke contained in the vehicle or receptacle used in making delivery, with the name and address of the purchaser and the name and address of the person, firm, or corporation from whom or which purchased. Upon demand of the superintendent or any of his assistants or inspectors upon the person in charge of the vehicle of delivery, the original of these tickets shall be surrendered to the official making such demand. The duplicate ticket shall be delivered to the purchaser of said coal, charcoal, or coke, or to his agent or representative, at the time of delivery of such coal, charcoal, or coke. Upon demand of the superintendent or any of his assistants or inspectors, or of the purchaser or intended purchaser, his agent or representative, the person delivering such coal, charcoal, or coke shall convey the same forthwith to some public scale, or to any legally approved private scale in the District of Columbia, the owner of which shall consent to its use, and shall permit the verifying of the weight, and after the delivery of such coal, charcoal, or coke shall return forthwith with the wagon or other conveyance used to the same scale and permit to be verified the weight of the wagon or other conveyance: *Provided*, That when coal, charcoal, or coke is sold in a quantity less than 280 pounds and is not weighed in a wagon, cart, or other vehicle, it shall be sufficient for the seller to deliver to the purchaser, his agent or representative, a ticket showing

the name and address of the vendor, the name of the purchaser, and the true net weight of the coal, charcoal, or coke so sold or delivered: *Provided further*, That when coal, charcoal, or coke is sold in packages of 50 pounds or less, it shall be sufficient to plainly mark each package with the name of the person, firm, or corporation making such package and the true net weight of the coal, charcoal, or coke contained therein.

No coal, charcoal, or coke shall be sold which contains at the time the weight is taken more water or other liquid substance than is due to the natural condition of the coal, charcoal, or coke.

Every vendor of coal, charcoal, or coke shall cause his name and address to be conspicuously displayed on both sides of every vehicle used by or for him for the sale or delivery of coal, charcoal, or coke.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee two questions with reference to the section. I should like to ask what is intended by the phrase in line 14:

Or of the purchaser or intended purchaser.

What significance has that in connection with the duty imposed? What is meant by "intended purchaser"?

Mr. MAPES. The gentleman from Alabama has probably as clear a notion of that as anyone.

Mr. BANKHEAD. No; I have not. I am asking for real information on it.

Mr. MAPES. The intended purchaser might not want the coal if it was not of full weight. He might change his mind and might not become a purchaser until the delivery was actually made.

Mr. BANKHEAD. In other words, he might make a tentative agreement to buy it, provided it came up to the weight?

Mr. MAPES. If he ordered a ton of coal and got only 1,900 pounds he might say he did not want it.

Mr. BANKHEAD. In lines 17 and 18 it provides that—

the person delivering such coal, charcoal, or coke shall convey the same forthwith to some public scale or to any legally approved private scale in the District of Columbia, the owner of which shall consent to its use.

Is that word "shall" there intended to mean that it is mandatory upon the owner of the private scale to consent to its use for that purpose without compensation and without regard to the convenience or inconvenience of its use?

Mr. MAPES. I should say not.

Mr. BANKHEAD. Does not the gentleman think the word "shall" should be changed to the word "may"?

Mr. MAPES. Personally I think it is quite immaterial.

Mr. BANKHEAD. If the language is left in its present form you are putting an imperative duty upon the owner of a private scale to consent to its use.

Mr. MAPES. I think nobody would construe the language to mean that.

Mr. BANKHEAD. That is what it says. Mr. Chairman, I move to strike out the word "shall" and insert the word "may."

The Clerk read as follows:

Page 8, line 18, at the beginning of the line strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. GARD. Mr. Chairman, I move to strike out the last word. I am asking the chairman of the committee whether there is sufficient protective legislation in the language of the bill as it appears on page 8, line 22, following down to line 4, on page 9. The gentleman has said—and, I presume, very well said—that much of the evil in the city of Washington is caused by people buying very small amounts of coal. This provides that where it is sold in quantities less than 280 pounds, not weighed in the coal wagon, it shall be sufficient to deliver to the purchaser a ticket showing the name and address of the vendor. What good is going to be done by giving the purchaser a ticket unless, to carry out the idea, as we did in regard to the weighing machines, we provide that he is entitled to full weight? Because if one buys 60 pounds of coal he gets a ticket for 60 pounds, but in fact only gets 50 pounds of coal. The only good he gets in addition to the burning of 50 pounds of coal is that he may burn the ticket. [Laughter.]

Mr. MAPES. If the gentleman will read the further provisions of the bill he will find that they require the dealer to put on the ticket that he puts on the sack the true net weight. The purchaser of small lots of coal put up in sacks does not have that protection under the existing law which the law gives to those who buy in large enough quantities to have their coal delivered in wagons. There is no law which requires a dealer who delivers coal in sacks to put in any specific weight. He does not often sell it by weight. The information that came to the committee was that dealers in some cases got as high as \$25 a ton for coal put up in sacks and delivered to poor people who could not afford to buy coal in quantities of a ton.

Mr. GARD. What is the good of giving the man a ticket unless the ticket is going to accomplish something for him. The

seller gives the purchaser a ticket, but the ticket may be willfully or mistakenly wrong.

Mr. MAPES. If the gentleman will read the subsequent part of the paragraph he will see that it requires the vendor to put in the true net weight.

Mr. GARD. That does not make any difference. Suppose he puts the true net weight on the ticket, there is nothing in the bill which provides that the vendor shall give to the purchaser that which is upon his ticket. There is no penalty attached to it.

Mr. MAPES. There is a penalty of \$500 fine or six months in jail for the violation of any provision of the act.

The CHAIRMAN. The time of the gentleman from Ohio has expired, and the pro forma amendment is withdrawn.

The Clerk read as follows:

SEC. 12. That it shall be unlawful to sell, within the District of Columbia, any ice in any manner than by weight, such weight to be ascertained at the time of delivery of such ice, and every person, or in case of a firm, copartnership, or corporation, the person in charge of its business in the District of Columbia, engaged in the sale of ice shall keep on each of his or its wagons or other vehicles used in the sale or delivery of ice, while in use, a scale suitable for weighing ice which has been tested and approved in accordance with the provisions of this act. Every scale used for weighing ice in making sales in quantities of 100 pounds or less shall have graduations of 1 pound or less. Scales used for weighing ice in making sales in quantities of more than 100 pounds may have graduations of 5 pounds or less.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment to correct a typographical omission.

The Clerk read as follows:

Page 9, line 19, before the word "manner," insert the word "other," so that it will read "ice in any other manner than by weight."

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. That the standard loaf of bread manufactured for sale, sold, offered or exposed for sale in the District of Columbia shall weigh 1 pound avoirdupois, but bread may also be manufactured for sale, sold, offered or exposed for sale in loaves of one-half pound, or in multiples of 1 pound, but shall not be manufactured for sale, sold, offered, or exposed for sale in other than the aforesaid weight. Every loaf of bread manufactured for sale, sold, offered, or exposed for sale in the District of Columbia shall have affixed thereon, in a conspicuous place, a label at least 1 inch square, or, if round, at least 1 inch in diameter, upon which label there shall be printed in plain bold-face Gothic type, not smaller than 12 point, the weight of the loaf in pounds, ounces, or fraction of a pound, as the case may be, whether the loaf be a standard loaf or not, the letters and figures of which shall be printed in black ink upon white paper. The business name and address of the maker, baker, or manufacturer of the loaf shall also be plainly printed on each such label. Every seller of bread in the District of Columbia shall keep a suitable scale, which shall have been inspected and approved in accordance with the provisions of this act, in a conspicuous place in his bakery, bakeshop, or store, or other place where he is engaged in the sale of bread, and shall, whenever requested by the buyer, and in the presence of the buyer, weigh the loaf or loaves of bread sold or offered, for sale. Nothing herein shall apply to crackers, pretzels, buns, rolls, scones, or loaves of fancy bread weighing less than one-fourth of 1 pound avoirdupois, or to what is commonly known as stale bread, provided the seller shall, at the time the sale is made, expressly state to the buyer that the bread so sold is stale bread: *Provided*, That any loaf of bread weighing within 10 per cent in excess or within 4 per cent less than standard weight shall be deemed of legal weight.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman what is meant by leaving out crackers, pretzels, buns, rolls, fancy bread, and so forth. I can see why pretzels should be left out at this time, but why crackers put up in standard packages, pounds and half pounds, made by bakers, should be left out I can not see. Can the gentleman advise me why these particular products should not be included in the weight measurement?

Mr. MAPES. Assuming that the gentleman from Ohio is asking the question in good faith, I will say that it would seem that if crackers were required to be of a pound or half pound weight, they would be some crackers.

Mr. GARD. Packages of crackers might weigh that.

Mr. MAPES. This section only proposes to fix the standard for loaves of bread, and does not provide for the sale of anything in packages.

Mr. GARD. The gentleman is following his own argument. This provides that it shall not apply to crackers, pretzels, buns, and so forth, weighing less than one-fourth of 1 pound avoirdupois; that is, it does not apply to a cracker weighing less than one-fourth of a pound. Those are things that we should take cognizance of, and I am speaking of the bill seriously, and I ask the gentleman what does the gentleman mean by crackers weighing a quarter of a pound and pretzels weighing a quarter of a pound?

Mr. MADDEN. What States do crackers come from?

Mr. GARD. They have crackers in Georgia.

Mr. MADDEN. That is what it refers to.

Mr. PLATT. Has the gentleman from Ohio taken into account the significance of the word "biscuit"?

Mr. GARD. Biscuit may be included under the common acceptance of the word bun.

Mr. PLATT. I do not think that is a satisfactory answer.

Mr. SAUNDERS of Virginia. Mr. Chairman, I want to offer an amendment to the section. I call the attention of the gentleman from Michigan [Mr. MAPES] to the fact that as the language is now it gives room to the interpretation suggested by the gentleman from Ohio [Mr. GARD].

Mr. MAPES. Let me ask the gentleman from Virginia this question—

Mr. SAUNDERS of Virginia. In a moment. I suggest that in line 10 on page 11 the word "to" be inserted after the word "or," so that it will remove all question as to the application of the section to the articles enumerated. It would then read:

Nothing herein shall apply to crackers, pretzels, buns, rolls, scones, or to loaves of fancy bread weighing less than one-fourth of 1 pound avoirdupois.

Mr. MAPES. Does not the gentleman think that when they weigh more than one-fourth of 1 pound they cease to be pretzels, buns, crackers, and so forth?

Mr. SAUNDERS of Virginia. Oh, very reasonably you might have a roll big enough to weigh one-quarter of a pound.

Mr. MAPES. I have no objection to the gentleman's suggestion.

Mr. SAUNDERS of Virginia. Then I move to amend in line 10 on page 11 by inserting the word "to" after the word "or."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 11, line 10, after the word "or" insert the word "to."

Mr. MANN of Illinois. Mr. Chairman, I do not oppose the amendment. However, I think it is entirely unnecessary. It only illustrates how important a comma sometimes may be. If the comma were stricken out after the word "scones" the language would mean entirely different from what it is with the comma there. With the comma there, the amendment offered by the gentleman from Virginia is unnecessary, and by leaving the comma in and inserting the word "to" you duplicate grammatically something that is accomplished by either one. It is rather dangerous, however, to legislate and fix the meaning of a statute so that a very important meaning may depend merely upon the insertion of a comma which might be left out, and inasmuch as the Printing Office is a law unto itself in regard to punctuation, as I suggest, it would be a dangerous thing. The Printing Office never has followed and never will follow the insertion of commas by a Member of Congress in bills which he introduces; and how this committee ever managed to get the interpretation of the Printing Office here that a comma is necessary after this word, and how it ever succeeded in having it put in instead of having it left out, I do not know, but it must have been by special dispensation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I move to amend, on page 11, by striking out the proviso beginning on line 15.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 11, line 15, after the semicolon, strike out the remainder of the section.

Mr. GARD. Mr. Chairman, this section 13 provides for a standard loaf of 1 pound avoirdupois, and in the provision it appears that 4 per cent less than that shall be deemed the legal weight. In other words, with 16 ounces in a pound, for bread, for legal purposes in this weight, 12 ounces shall do—

Mr. MAPES. Oh, no.

Mr. MANN of Illinois. Four per cent of 16 ounces is all that is meant.

Mr. MAPES. Four per cent of 16 ounces is 0.64 of an ounce.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

SEC. 14. That bottles or jars used for the sale of milk or cream shall be of the capacity of 1 gallon, $\frac{1}{2}$ gallon, 3 pints, 1 quart, 1 pint, $\frac{1}{2}$ pint, or 1 gill when filled to the bottom of the cap seat, stopple, or other designating mark. Such bottles or jars shall have clearly blown or otherwise permanently marked in the side of each such bottle or jar or printed on the cap or stopple the name and address of the person, firm, or corporation who or which shall have bottled such milk or cream. Any person who uses, for the purpose of selling milk or cream, bottles or jars which do not comply with the requirements of this section shall be deemed guilty of using false measure.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I assume that the purpose of this bill is to establish

some standard by means of which we will be able to get what we buy, reduce the cost of living, and make the standard of food better and the health of the people more secure; but I notice that the language of this section of the bill provides that the name of the person bottling milk must be clearly blown in the bottle or printed on the cap or stopple. Of course, that necessitates special bottles, or at least a special stopple, and all of that adds to the value or cost of the bottle, and, therefore, adds to the price of the milk. I do not know what the price of milk is, but it is so high that most of us can not buy it, and to get butter or sugar or anything of that sort is impossible. Every time we legislate here, however, we seem to be legislating to add new costs to the things that we have to eat or the things that we have to use in some way. This kind of legislation does not add anything to the value of the commodity that we have to use. It merely makes the price of living a little higher, as well perhaps as the price of dying. Why all these fads I do not know, except it be for the purpose of taking up the time of Congress. The interest manifested in this sort of legislation is indicated by the number of Members who are absent from their seats.

We just passed a nation-wide standard flour-barrel bill, which makes the standard barrel of flour weigh 200 pounds instead of 196 pounds, and provides that nothing in the shape of flour or bran or meal or corn products shall be shipped in anything else than a certain multiple of a 200-pound container. Of course, that does not apply to the farmer, and it is well, because he is the only man who is exempt from all kinds of regulations, as he ought to be, for he has no hours. He works when the world is asleep, and his farm is working while he is asleep, accumulating wealth by the development of newborn stock, by his growing fields of grain, while the dew dwells upon the fields in the morning and helps to fill the growing grain with riches. But here we are again this gloomy, rainy day—

Mr. REED of West Virginia. Oh, there is a rainbow somewhere.

Mr. MADDEN. Oh, no; you could not have a bow and you could not mix the bow with the rain. I can very well understand how after having a rainstorm the sun may shine through and we may have a rainbow, but—

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. I want to suggest to the gentleman from Illinois that he ought not to call attention to the fact that there are but 14 Republican Members here to pass this legislation, or the gentleman from Delaware [Mr. LAYTON] might not want that to go into the Record. There are exactly 14 Republican Members sitting on the floor attending to business.

Mr. MADDEN. I really have not taken the pains to count the number either of Democrats or Republicans, but this is a non-partisan measure.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes, as I desire to discuss this bill on its merits.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Now, you say "that bottles or jars used for the sale of milk or cream shall be of the capacity of 1 gallon." Now, most people can not afford to buy a gallon of milk, and certainly can not afford to buy a gallon of cream. We are very lucky in our house if we can get a 4-ounce bottle of cream, to say nothing about a gallon—"half gallon, 3 pints, 1 quart, 1 pint, half pint, or 1 gill"—that fills the bill as far as we are concerned at our place—"when filled to the bottom of the cap seat, stopple, or other designating mark." Most fellows are willing to stand up and drink cream or milk—

Mr. LAZARO. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LAZARO. Does the gentleman mean to say that things are as bad as he has pictured?

Mr. MADDEN. That you can not sit down to drink—

Mr. LAZARO. And while the Republicans are in control of both Houses?

Mr. MADDEN. It is not a matter of who is in control. On the question of milk or cream whether you have got a place to sit upon has got nothing to do with politics. Now it says:

Such bottles or jars shall have clearly blown—

That is, I do not know whether they are to be fly blown [laughter] or not, or whether the name has to be blown in the bottle in the blast—

or otherwise permanently marked in the side of each such bottle or jar—

Now how you can mark it permanently without blowing in the bottle I do not know—

in the side of each such bottle or jar or printed on the cap or stopple the name and address of the person, firm, or corporation through or which shall have bottled such milk or cream. Any person who uses, for the purpose of selling milk or cream, bottles or jars which do not comply with the requirements of this section shall be deemed guilty of false measure.

You see it is not a question of measure we are dealing with; it is a question of whether you are going to authorize somebody or compel somebody to use a bottle with the name blown in it.

Mr. LAYTON. Not necessarily.

Mr. MADDEN. Oh, yes.

Mr. LAYTON. It may be marked on the paper.

Mr. MADDEN. This bill says if you use anything else except the bottle or jar or receptacle with the name blown in it, or plainly marked on the stopple—

Mr. LAYTON. Or the cap.

Mr. MADDEN. Or the cap.

Mr. LAYTON. The cap is paper.

Mr. MADDEN. Whatever it is. It comes directly to the point that we are not dealing with the question of whether the measure is correct or not. We are dealing with the question of whether it has a mark upon it. What does that mean? It means an addition to the cost. It means you compel the poor people of the District of Columbia to buy their milk or cream from those who can afford to have their own bottles made with their names blown in them. That is what it means. It does not say the bottle shall be of the size requisite to contain a given quantity of milk or cream. It says the name must be blown in the bottle, and so it is not the quality or quantity of the milk you are seeking to protect, but the monopoly of such dealers as can pay for having their names blown in the bottles. There is no consideration given to the mere consumer. All he is required to do is to pay the bills, while the milk baron who can have his bottles made with his name blown in continues to charge what he pleases while the children of the poor, who are unable to pay the price, go hungry. But who cares for that if the man with his name on the bottle is protected.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. LAYTON. Mr. Chairman, I move an amendment. Being in entire sympathy with the solicitude of the gentleman from Illinois with respect to this section, I move to strike out line 22, beginning with the word "such" and ending with the word "cream," on page 12.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 11, line 22, after the word "mark," strike out lines 22, 23, 24, and 25, and line 1, on page 12, to and including the word "cream."

Mr. MAPES. Mr. Chairman, I am sorry that the gentleman from Delaware [Mr. LAYTON] has been so overcome by the remarks of the gentleman from Illinois [Mr. MADDEN]. This provision of this bill I do not imagine will require a bit more work or more labeling on the bottles of milk delivered in the District of Columbia than are now put on them by every milk dealer in the District, and I hope the amendment will not prevail.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. MADDEN and Mr. BLANTON) there were—yeas 5, yeas 18.

So the amendment was rejected.

The Clerk read as follows:

Sec. 15. That standard containers for the sale of fruits, vegetables, and other dry commodities in the District of Columbia shall be as follows:

(a) That standard barrel for fruits and vegetables, other than cranberries, shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of heads, 17½ inches; distance between heads, 26 inches; circumference of bulge, 64 inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch. *Provided*, That any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, 28½ inches; diameter of head, 16½ inches; distance between heads, 25½ inches; circumference of bulge, 58½ inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch. It shall be unlawful to sell, offer, or expose for sale in the District of Columbia a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in this act, or subdivisions thereof known as the third, half, and three-quarter barrel.

(b) Standards for Climax baskets for grapes and other fruits and vegetables shall be the 2-quart basket, 4-quart basket, and 12-quart basket, respectively.

The standard 2-quart Climax basket shall be of the following dimensions: Length of bottom piece, 9½ inches; width of bottom, 3½ inches; thickness of bottom, three-eighths of an inch; height of basket, 3½ inches, outside measurement; top of basket, length 11 inches and width

5 inches, outside measurement. Basket to have a cover 5 by 11 inches, when a cover is used.

The standard 4-quart Climax basket shall be of the following dimensions: Length of bottom piece, 12 inches; width of bottom piece, 4½ inches; thickness of bottom piece, seven-eighths of an inch; height of basket, 4½ inches, outside measurement; top of basket, length 14 inches; width 6½ inches, outside measurement. Basket to have cover 6½ inches by 14 inches, when cover is used.

The standard 12-quart Climax basket shall be of the following dimensions: Length of bottom piece, 16 inches; width of bottom piece, 6½ inches; thickness of bottom piece, seven-eighths of an inch; height of basket, 7½ inches, outside measurement; top of basket, length 19 inches, width 9 inches, outside measurement. Basket to have cover 9 inches by 19 inches, when cover is used.

(c) The six-basket carrier crate for fruits and vegetables shall contain six 4-quart baskets, each basket having a capacity of 268.8 cubic inches.

(d) The four-basket flat crate for fruits and vegetables shall contain four 3-quart baskets, each basket having a capacity of 201.6 cubic inches.

(e) The standard box, basket, or other container for berries, cherries, shelled peas, shelled beans, and other fruits and vegetables of similar size shall be of the following capacities standard dry measure: One-half pint, pint, and quart. The one-half pint shall contain 16.8 cubic inches; the pint shall contain 33.6 cubic inches; the quart shall contain 67.2 cubic inches.

(f) Standard lug boxes for fruits and vegetables shall be the one-half bushel box and the 1-bushel box.

The one-half bushel lug box shall be of the following inside dimensions: Length, 17 inches; width, 10.5 inches; depth, 6 inches.

The 1-bushel lug box shall be of the following inside dimensions: Length, 20½ inches; width, 13 inches; depth, 8 inches; and no lug box of other than the foregoing dimensions shall be used in the District of Columbia.

(g) The standard hampers for fruits and vegetables shall be the 1-peck hamper, one-half bushel hamper, 1-bushel hamper, and 1½-bushel hamper.

The 1-peck hamper shall contain 537.6 cubic inches, the one-half bushel hamper shall contain 1,075.21 cubic inches, the 1-bushel hamper shall contain 2,150.42 cubic inches, and the 1½-bushel hamper shall contain 3,225.63 cubic inches.

(h) The standard round-stave baskets for fruits and vegetables shall be the one-half bushel basket, 1-bushel basket, 1½-bushel basket, and 2-bushel basket.

The one-half bushel basket shall contain 1,075.21 cubic inches, the 1-bushel basket shall contain 2,000 inches, the 1½-bushel basket shall contain 3,225.63 cubic inches, and the 2-bushel basket shall contain 4,300.84 cubic inches.

(i) The standard apple box shall contain 2,173.5 cubic inches and be of the following inside dimensions: Length, 18 inches; width, 11½ inches; depth, 10½ inches.

(j) The standard pear box shall be of the following inside dimensions: Length, 18 inches; width, 11½ inches; depth, 8½ inches.

(k) The standard onion crate shall be of the following inside dimensions: Length, 19½ inches; width, 11½ inches; depth, 9½ inches.

(l) No person shall sell, offer, or expose for sale in the District of Columbia any fruits, vegetables, grain, or similar commodities in any manner except in the standard containers herein prescribed or by weight or numerical count; and no person shall sell, offer, or expose for sale, except by weight or numerical count, in the District of Columbia any commodity in any container herein prescribed which does not contain, at the time of such offer, exposure, or sale, the full capacity of such commodity compactly filled: *Provided*, That fresh beets, onions, turnips, rhubarb, and other similar vegetables, usually and customarily sold by the bunch, may be sold by the bunch.

All kale, spinach, and other similar leaf vegetables shall be sold at retail by net weight.

Mr. MAPES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 8, after the word "vegetables" insert "and other dry commodities."

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 8, strike out lines 8 to 25, inclusive, and lines 1 to 4 on page 13.

Mr. WALSH. Mr. Chairman, this language which I seek to strike out is the language of the act fixing the standard barrels for fruits, vegetables, and other dry products, which passed March 4, 1915, and which is in effect and applies specifically by the provisions of the act to the District of Columbia. I can not quite see why it should be reenacted in this measure, because it applies here now and will apply hereafter, and if the gentleman desires to fix a standard for other dry commodities I submit that by eliminating this paragraph (a) and enacting the balance of the language of the section that he has taken care of the situation, but certainly it adds nothing to just reenact something that is already the law. It seems to me that it would be better to rely upon the standard vegetable barrel act that has already been enacted; so I would like to ask the gentleman, the chairman of the committee, if he thinks there is any serious objection to eliminating this language from the bill?

Mr. MAPES. Mr. Chairman, of course it is not very important if the law already applies in this language to the District of Columbia, but it does no harm one way or the other, it seems to me.

Mr. WALSH. I will say to the gentleman, I have here before me, in volume 38 of the Statutes at Large, section 2, the standard

which is fixed in the language as contained in the bill. It is as follows:

It shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to a foreign country, a barrel containing fruit or vegetables, or any other dry commodity, of less capacity than the standard barrel defined in the first section of this act.

And so forth.

Mr. MAPES. I will say to the gentleman it has been my understanding that this was the national law. The language is supposed to be the same as contained in the national act.

Mr. BLANTON. Will the gentleman from Massachusetts yield?

Mr. WALSH. Certainly.

Mr. BLANTON. What is meant by the term "and other dry commodities?"

Mr. WALSH. In this act it means grapes, and so forth.

Mr. BLANTON. Is it confined to fruits and vegetables?

Mr. WALSH. And products that are sold in baskets or barrels and containers.

Mr. BLANTON. The gentleman from South Carolina suggested a moment ago that it might be broad enough to embrace the CONGRESSIONAL RECORD.

Mr. MANN of Illinois. Well, if it was put up in barrels.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Michigan [Mr. MAPES] a question. Do these standards fixed here harmonize throughout with the Federal laws for the country generally, in so far as Federal laws have been passed?

Mr. MAPES. In so far as Federal laws have been passed they do. There are quite a number of cases where the Federal Government has not covered the subject. In those cases the provisions of this bill follow some of the State laws and are recommended by the Department of Agriculture and the Bureau of Standards.

Mr. GARRETT. Well, now, I had in mind, for instance, this specific situation: In my section of the country the sweet potato industry has in recent years become a very extensive one. There is a fixed size for the hampers in which potatoes are shipped.

Mr. MAPES. Which paragraph is the gentleman referring to?

Mr. GARRETT. Really I am just speaking generally of this act. The potatoes are shipped from the market there in hampers of a certain size. I do not know whether there is a Federal statute fixing the size of those hampers or not. I know that under a Federal law the quantity contained in the hamper has to be stamped upon it. I know that the hamper is supposed to contain a certain number of pounds. As I started to say, the custom is to ship these in the hampers, and those hampers, of course, go from the jobber in the city to which they are shipped to the retailer. Now, the question is, if you fix the size of a container here in which they may be sold in the District of Columbia and that does not happen to harmonize with the hamper in which they are shipped from the place of production, it seems to me it would bring about a great deal of inconvenience.

Mr. MAPES. There is a separate paragraph here that applies to potatoes, I will say to the gentleman, and requires that if they are sold in sacks the sacks shall contain 60 or 90 pounds.

Mr. GARRETT. Well, in the particular section with which I am familiar the potatoes are sold in hampers and are not shipped in sacks. I am speaking of the sweet potato.

Mr. MAPES. I do not see the language to which I was referring, but it is here somewhere.

Mr. GARRETT. You have a provision here, on page 15, as follows:

The standard hampers for fruits and vegetables shall be the 1-peck hamper, one-half bushel hamper, 1-bushel hamper, and 1½-bushel hamper.

I assume that would apply to potatoes. I do not know that any potatoes are shipped from my section to the District of Columbia, but I am saying this to illustrate the point.

Mr. MAPES. The purpose of that is not to cover commodities that come from other States, but that are sold and measured here in the District, and it aims to do away with a lot of the small and different shaped containers that are now used.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. This exhibit, to which I have referred before and which was taken by the Department of Agriculture, contains the pictures of a lot of different containers, of varying sizes and construction. The purpose of this section is to do

away with those and to establish a standard one-half bushel, 1-bushel, and 1½-bushel measure.

Mr. GARRETT. Well, I do not know whether I made myself clear or not. The point is this: I know that in the case of sweet potatoes they are shipped in hampers. They look something like the photographs on the sheet the gentleman has. Under the Federal law the content must be stamped upon the hamper.

Mr. MANN of Illinois. That is under the pure-food law.

Mr. GARRETT. Well, perhaps it is. Now, those hampers are worth this year 20 cents. That is what the basket or hamper costs. Now, they are shipped in that size. If you fix a different size here in the District of Columbia, then those hampers are worthless when they come here. If they are different, if the retail man can not take the hampers in which they come and sell the potatoes from those hampers, but must change them to another, there is a loss of 20 cents on every hamper.

Mr. MADDEN. Will the gentleman yield?

Mr. MAPES. I think that it is one of the objects of the bill to do away with the different sized hampers.

Mr. MADDEN. The thing that occurs to me in connection with this whole business is this: The gentleman from Michigan says it is not necessary to ship them in any particular kind of a carton or hamper into the District, but the bill requires the man who sells them in the District, after they get into the District, to put them into one of these hampers, and, of course, that adds to the cost. He can not sell them without putting them into the hamper prescribed. Of course, it amounts to an outrage to do this.

Mr. GARRETT. I will say to the gentleman that when I was at home recently sweet potatoes were in the local markets at that time, and the potatoes were selling for 50 cents, and the hampers were worth 20 cents, although the potatoes are worth two or three dollars a bushel here now.

Mr. MAPES. What is the capacity of that hamper?

Mr. GARRETT. It is not quite a half bushel. It is of a fixed size, and the content of the hamper must be stamped on the hamper before it is shipped. I do not know that any sweet potatoes are shipped from my section into the District of Columbia, but I know they are shipped to the East, particularly to Boston, and so on. I hope you are not bringing about a situation here that will destroy the value of the hamper, because the hamper is worth nearly half as much right now as potatoes.

Mr. MAPES. What we are trying to do here—

Mr. MADDEN. Is to make two hampers instead of one—

Mr. MAPES. Is not to get an additional hamper. The gentleman from Illinois [Mr. MADDEN] is mistaken about that. What we are trying to do is to assure the customer here, when he buys a bushel of potatoes, that he will get what he pays for—that those potatoes will be measured by a standard bushel basket and not by a hamper such as the gentleman from Tennessee [Mr. GARRETT] or the gentleman from Illinois [Mr. MADDEN] has in mind.

Mr. GARRETT. Let me say to the gentleman that the content of the hamper which is shipped in interstate commerce is marked plainly on it now, under the Federal law, the pure-food law. So long as it is in the original package the content would be known to the customer, because he could look at the top and see.

Mr. McLAUGHLIN of Michigan rose.

Mr. MADDEN. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] is recognized.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it seems to me the trouble the gentleman from Tennessee [Mr. GARRETT] speaks of will arise under this bill. The law cited by the gentleman from Massachusetts [Mr. WALSH] is a law passed some years ago fixing the standard measure of several different kinds of containers. As far as that law goes, and only as to containers named in that law, has the size and capacity of containers been fixed by Federal law, and they have been quite generally, or perhaps universally, accepted and adopted. They have, I think, been adopted by the laws of most of the States. But there are a number of measures, a number of kinds of containers, that are not mentioned in the law referred to by the gentleman from Massachusetts [Mr. WALSH]; their size and capacity have not been fixed by that statute. If the bill we have before us deals with none other than those that are dealt with in the law now in force, or deals with none other than those that are in universal use throughout the country, no trouble will arise. But it seems to me that this bill does deal with a lot of containers the capacity of which, the size and shape of which, have not been determined by Federal law nor have they been accepted by all the States. And shipments of products into the District of Columbia coming from a State in containers contrary to this bill, although of size

and style and capacity approved by the laws of that State, can not be sold or exposed for sale here in the containers in which they arrive.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MAPES. Would the gentleman wait until every State in the Union had passed a law before protecting the inhabitants of the District of Columbia?

Mr. McLAUGHLIN of Michigan. Oh, I believe in universal standards in these matters, but I doubt if this bill as now before us is altogether a protection to the people of the District of Columbia.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Suppose from the State of Tennessee comes a container with so many pounds of sweet potatoes in it, the container being plainly marked, the capacity, size, and form of the container being legal and proper as fixed by law by the State of Tennessee and as used there, a legal container; a shipment of potatoes in such a container is made to the city of Washington, with the number of pounds plainly marked. If such container differs in any respect from the containers described in this bill, those sweet potatoes in the container could not be exposed for sale in the city of Washington, although the number of pounds is clearly marked on the container. There is no way by which the purchaser could be deceived. If this bill becomes law, those potatoes must be taken from the container coming from the State of Tennessee and put in one of the containers described in this bill. Unless the containers are of the style, size, and capacity already fixed by Federal law, and therefore accepted and universally in use throughout the country, it seems to me we are treading on dangerous ground in enacting this law. I feel it will be imposing a burden not only upon those who produce the products in other States, upon those who ship them to the District of Columbia, but also upon the merchants here. In the end the trouble and expense will fall upon the consumers, the people of the District. It is intended by this bill to protect them from fraud and expense, but I fear instead we are imposing trouble and expense upon them.

Mr. MADDEN. Mr. Chairman, I move to strike out the section.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. What became of the amendment offered by the gentleman from Massachusetts [Mr. WALSH]? Is not that to be voted on now?

The CHAIRMAN. The amendment of the gentleman from Massachusetts is pending.

Mr. BANKHEAD. I think we ought to have a vote on that amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] now moves to strike out the section. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Beginning on page 12 strike out all of section 15.

Mr. MADDEN. Mr. Chairman, I simply wish to call the attention of the committee to my interpretation—

The CHAIRMAN. The vote will first come on the amendment offered by the gentleman from Massachusetts.

Mr. MADDEN. Does the Chair rule that I can not debate this now?

The CHAIRMAN. The gentleman may debate it.

Mr. MADDEN. My interpretation of the section that I move to strike out is that if I were a truck gardener raising potatoes or any vegetables or fruits outside the District of Columbia, and came here with a wagonload loose, and came down here to the market, I could not sell them to consumers in the District of Columbia without putting them into one of the containers provided in this bill. Now, of course, that means an additional expense to the purchaser, and instead of surrounding the people of the District of Columbia with safeguards against those who seek to impose upon them you are giving all kinds of monopolies the right to impose upon the people. So I say that this section of the bill, instead of doing what it purports to do, does exactly the reverse of that. Why, a man might ship a carload of potatoes from Illinois or Michigan, for example, from the State where the distinguished chairman of this committee [Mr. MAPES] lives, and that is one of the great potato States of the Union. One of the gentleman's constituents might have worked hard all summer to raise these potatoes with a view to placing them on the market in the District of Columbia, thereby giving the people who bask in the sunshine of the Capital something to eat which they could not otherwise obtain, and they would not be permitted to buy these potatoes, the best in the world, coming from Michigan, raised in the sands along the shores of Lake Michigan, flavored by the breezes blown across the

lake. So the Michigan farmer who has gone to all the trouble of raising these potatoes and bringing them all the way to the District of Columbia finds himself handicapped by one of his own Representatives here, the gentleman from Michigan [Mr. MAPES], chairman of this great Committee on the District of Columbia, preventing him from selling potatoes which he went to so much trouble and expense to raise, unless they are willing to pay for an additional container.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BLANTON. That is no worse than the condition with regard to flour. On the top of page 18 of this bill it provides that a barrel of flour shall be 196 pounds in the District of Columbia.

Mr. MADDEN. That is less than it is to be anywhere else.

Mr. BLANTON. Under the bill which we passed this very morning, everywhere in the United States flour must be sold in amounts of 100 pounds or 200 pounds. You can not sell 196 pounds of flour elsewhere, as you can in the District of Columbia.

Mr. MADDEN. Now, we come to the question whether the people of the District of Columbia are considered residents of the United States, whether as residents of the United States they are entitled to any protection from the Congress of the United States, and whether the people of Michigan, the greatest potato raisers in all the world, are to be mulcted out of the profits that they otherwise might be able to make, by being compelled to buy containers before they can sell the potatoes which they bring into this territory.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WOODS of Virginia. Mr. Chairman, I hope the amendment offered by the gentleman from Massachusetts [Mr. WALSH] will not prevail. I appreciate his purpose in offering it, because it is simply a reenactment of the existing law as to the standard fruit and vegetable barrel; but the committee acted advisedly in this matter, knowing that they were reenacting the existing law, because they wanted to have a comprehensive statute fixing these standards, so that the inspectors and those who have to do with the enforcement of this law would have the entire law before them in one act. That was the reason for it. I do not think it is a matter of great importance.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WOODS of Virginia. I yield to the gentleman from Illinois.

Mr. MANN of Illinois. The language of the law and the bill are the same as to this particular proposition; but the gentleman knows that it is necessary to have somebody with authority to fix tolerances as to the sizes of barrels, I take it. Now, the law applicable everywhere else and also applicable in the District of Columbia now provides that these tolerances and variations shall be fixed by the Bureau of Standards under the Department of Commerce, while this bill proposes to authorize the District Commissioners to fix the tolerances. Does my friend from Virginia think it is desirable for Congress to provide a standard of weights and measures which shall be in force everywhere in the United States except in the place where Congress has plenary power—in the District of Columbia?

Mr. WOODS of Virginia. I will say to the gentleman that I think the officers enforcing the law in the District of Columbia ought to have authority to regulate tolerances as well, because the whole statute comes before that inspector, and he can enforce the entire law.

Mr. MANN of Illinois. Of course, then that makes the law applicable outside of the District vary from the law inside of the District.

Mr. WOODS of Virginia. Vary slightly, but it does not vary except as to the manner of its execution, and as to that I think we ought to have the whole law before the inspector without requiring his resort to a general statute.

Mr. MANN of Illinois. Mr. Chairman, in the first place, I am very much in sympathy with the purpose of this bill. I think it is highly desirable as far as possible that the law should be codified and made uniform and explicit, so that people who sell commodities may know that they are within the law and people who buy may know the amount that they are getting.

But here is a proposition offered by the amendment proposed by the gentleman from Massachusetts. We have a national law, only recently passed, fixing the standard size of barrels for fruits, vegetables, and other dry commodities other than cranberries. That is the act approved March 4, 1915, not so very long ago. Now, as to the size of barrels, it was the purpose of the committee to have this act simply copy the present law. I can sympathize with the view they had in mind to have a whole law before the inspectors in one act, although it is quite as easy

to print a copy of the national law as it would be to insert this section in this bill. But here is the difficulty. You have got to have some provision for variations or tolerances when you fix the size of packages. The present national law provides that a reasonable variation shall be permitted and tolerances shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Under that law they have fixed tolerances and reasonable variations that shall be allowed. This bill proposes that the District Commissioners shall fix the tolerances. It may be that they will fix the tolerances and variations the same as they have been fixed by the Director of the Bureau of Standards and the Department of Commerce, but they are not required to. Suppose they do not. Then we would be put in the anomalous position that the Congress of the United States, having exclusive jurisdiction of legislation in the District of Columbia, have provided a general law applicable outside of the District, where it is doubtful if we ought to exercise the power, fixing standards on one basis, and then inside the District standards of a different basis. It is unthinkable to me that a sensible body should establish such legislation. There is no harm in leaving this provision out of the bill, which is in the law now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARRETT. I ask that the gentleman from Illinois have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT. I should like to ask the gentleman while he is on the floor for his opinion as to the effect of this legislation on the containers in which products are shipped, where they do not happen to conform to the size laid down in this bill for the District.

Mr. MANN of Illinois. In the first place, as a matter of practice, unless I am mistaken, all of these things are taken out of the containers where they are shipped from outside into the city.

But I do not think there is any difficulty in people complying with the requirements as provided here. If, for instance, they ship sweet potatoes from the gentleman's district, they undoubtedly have hampers of a certain size, or various sizes—

Mr. GARRETT. It is a standard size.

Mr. MANN of Illinois. The standard size recognized in the East is based on the bushel basket.

Mr. GARRETT. I think these hampers are 90-pound hampers.

Mr. MANN of Illinois. I think the standard is usually based in the East on the bushel. But I do not think there is any difficulty even if the dealers have to get a few new hampers.

Mr. GARRETT. I suppose they could be retained in these hampers even if the hampers did not conform to the hampers provided here, and they could be sold from those hampers by weight or numerical count. I assume that to be true from the language on page 16, but I doubt whether they could be sold in the hampers themselves unless they happen to conform to the standards in the bill.

Mr. MANN of Illinois. There is no possible way of fixing the standard sizes for anything—

Mr. GARRETT. Without tolerances.

Mr. MANN of Illinois. Without cutting out some things in existence. Of course, it would be a desirable thing to get the same standards if possible all over the country.

Mr. MADDEN. Mr. Chairman, it is manifest that there is no quorum present, and that this bill can not be finished to-night. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia, to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1300. An act to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McKEOWN, indefinitely, on account of illness (at the request of Mr. HASTINGS).

To Mr. HOCH, on account of illness (at the request of Mr. TINCER).

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 9, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a tentative draft of a bill to provide additional hospital and out-patient dispensary facilities for all discharged, sick, and disabled soldiers, sailors, marines, Army and Navy nurses (male and female), and for other purposes, together with statement of the needs of the enactment of such legislation by the Surgeon General of the Public Health Service (H. Doc. No. 481); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the chairman of the National Advisory Committee for Aeronautics, transmitting the fifth annual report of the National Advisory Committee for Aeronautics, including statement of its expenditures for the fiscal year 1919 (S. Doc. No. 166); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce, reporting claim of Metropolitan Coal Co. for damage to wharf on April 10, 1917 (H. Doc. No. 482); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation for 30 additional money counters for the office of the Comptroller of the Currency (H. Doc. No. 483); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Patent Office for the fiscal year 1920 (H. Doc. No. 484); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting detailed statement of all receipts and expenditures under the war-risk insurance act during the fiscal year 1919 (H. Doc. No. 485); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

7. A letter from the Attorney General, transmitting his annual report to Congress (H. Doc. No. 412); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRIGSBY, from the Committee on the Territories, to which was referred the bill (H. R. 10746) to authorize the incorporated town of Wrangell, Alaska, to issue bonds for the construction, enlargement, and equipment of schools, the acquisition and construction of a water-supply system, the construction of a sewer system, the construction of a city dock and a floating dock, and to levy and collect a special tax therefor, reported the same with amendments, accompanied by a report (No. 480), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2796) granting an increase of pension to Elijah Parrish; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 6928) granting a pension to Agnes Eugenia Dinsmoor; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 7692) granting a pension to Elizabeth Cravens; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. QUIN: A bill (H. R. 10959) for the enlargement of the Federal building and site at Natchez, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. ANTHONY: A bill (H. R. 10960) to limit the size of newspapers and periodicals entitled to the privileges of the second-class mail rate; to the Committee on the Post Office and Post Roads.

By Mr. KING: A bill (H. R. 10961) granting pensions to certain soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10962) to authorize the sale of Indian Reservation and Agency buildings and lands not longer needed for administrative purposes; to the Committee on Indian Affairs.

By Mr. DOMINICK: A bill (H. R. 10963) granting the consent of Congress for the construction of a bridge across the Savannah River at or near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 10964) to amend the Federal aid road act approved July 11, 1916; to the Committee on Roads.

By Mr. HICKEY: A bill (H. R. 10965) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: A bill (H. R. 10966) authorizing the Secretary of War to donate to the Ridgewood Memorial Committee, of Ridgewood, Long Island, N. Y., three German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. MINAHAN of New Jersey: A bill (H. R. 10967) to provide for an examination and survey of Newark Bay, the Passaic and Hackensack Rivers, in the State of New Jersey; to the Committee on Rivers and Harbors.

By Mr. HARDY of Colorado: A bill (H. R. 10968) providing for the disposition of the present site and the acquisition of a new site and the erection of a public building thereon at Canon City, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. PLATT: A bill (H. R. 10969) for the reduction of the weight of subsidiary silver coinage; to the Committee on Coinage, Weights, and Measures.

By Mr. STEENBERSON: A bill (H. R. 10970) to authorize the acquisition of a site and the erection of a Federal building at Detroit, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10971) to authorize the acquisition of a site and the erection of a Federal building at Thief River Falls, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: A bill (H. R. 10972) to require and empower boards of examining surgeons under the Commissioner of Pensions to make examinations for the Bureau of War Risk Insurance and the Federal Board for Vocational Education; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: Resolution (H. Res. 413) to allow the chairman of the Committee on Expenditures in the Department of Commerce to appoint a clerk to said committee; to the Committee on Accounts.

By Mr. LAYTON: Joint resolution (H. J. Res. 257) authorizing the Secretary of War to dispose of surplus Army and medical supplies; to the Committee on Military Affairs.

By the SPEAKER: Memorial from the Nobel Committee of the Norwegian Parliament respecting the proposal of candidates for the Nobel Peace Prize to be distributed December 10, 1920; to the Committee on Foreign Affairs.

By Mr. BRAND: Memorial from the Legislature of the State of Georgia to cede military reservation to the State of Georgia; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10973) granting an increase of pension to L. W. Severus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10974) granting an increase of pension to Samuel Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10975) granting an increase of pension to Samuel J. White; to the Committee on Invalid Pensions.

By Mr. BLAND of Missouri: A bill (H. R. 10976) granting a pension to Rose A. Woods; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 10977) granting a pension to Ann Van Fleet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10978) granting a pension to Rebecca E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10979) granting an increase of pension to James F. Jones; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 10980) granting a pension to Harriett A. Lake; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 10981) granting an increase of pension to Thomas W. Sample; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10982) granting a pension to Leonidas Duncan; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 10983) granting an increase of pension to Murray A. Ringland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10984) for the relief of Ira M. Buckingham; to the Committee on Claims.

By Mr. JOHNSTON of New York: A bill (H. R. 10985) for the relief of Mrs. George E. Ruppert; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 10986) granting an increase of pension to John B. Gillaspie; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10987) granting an increase of pension to James D. Lafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10988) granting a pension to Martha I. Sexton; to the Committee on Invalid Pensions.

By Mr. MACCRATE: A bill (H. R. 10989) for the relief of the owner of a drill boat known as drill boat No. 3 and a dredge known as dredge No. 9; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 10990) granting an increase of pension to Ida L. Crandell; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10991) granting a pension to John W. Mercer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10992) granting a pension to Seymour J. Hathaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10993) granting a pension to Samuel H. Neese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10994) granting a pension to Julia Knox; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10995) granting a pension to Joseph Doyle; to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 10996) granting a pension to Sarah A. Atchison; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 10997) granting an increase of pension to Jonathan Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10998) granting an increase of pension to Gustav Hamberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10999) granting an increase of pension to Nicholas Scholl; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 11000) granting an increase of pension to William H. Hanson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11001) granting an increase of pension to John Bennett; to the Committee on Pensions.

Also, a bill (H. R. 11002) granting an increase of pension to Samuel Frazier; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11003) granting a pension to Jack Hurley; to the Committee on Pensions.

Also, a bill (H. R. 11004) to grant certain lands to the village of Downey, State of Idaho, for the protection of its water supply; to the Committee on the Public Lands.

By Mr. SHREVE: A bill (H. R. 11005) granting a pension to Bridget E. Reid; to the Committee on Pensions.

Also, a bill (H. R. 11006) granting a pension to Augustus O. Hartel; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 11007) granting a pension to Mary M. Newman; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 11008) granting a pension to Edwin E. Warren; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 11009) granting an increase of pension to George Wallace Paul; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

136. By the SPEAKER (by request): Petition of First National Labor Party Convention and other citizens, regarding the rights of citizens to strike; to the Committee on the Judiciary.

137. Also, petition of department executive committee of the District of Columbia department of the American Legion, condemning speech uttered by Victor L. Berger; to the Committee on the Judiciary.

138. Also, petition of employees of the United States Railroad Administration, Pullman car lines, East St. Louis, Mo., and Brotherhood of Railway Conductors of American, Local 605, opposing Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

139. Also, petition of the American Mining Congress, Washington, D. C., urging protection for the United States citizens in foreign countries; to the Committee on Foreign Affairs.

140. Also, petition of national convention, Patriotic Order Sons of America, held in Jacksonville, Fla., presenting resolutions on the high cost of living and the Mexican situation; to the Committee on Interstate and Foreign Commerce.

141. Also, petition of sundry citizens of New York City, white and colored, urging that the death sentence imposed on 11 negroes in Arkansas be stayed; to the Committee on the Judiciary.

142. Also, petition of Church of Christ (Disciple), urging the granting of full American citizenship to all American Indians; to the Committee on the Judiciary.

143. Also, petition of Military Order of the Loyal Legion of the United States, District of Columbia, urging passage of the Raker and Townsend bills; to the Committee on Military Affairs.

144. By Mr. CLARK of Florida: Petition of United Daughters of the Confederacy, seeking ratification of league of nations and treaty of peace; to the Committee on Foreign Affairs.

145. By Mr. DARROW: Petition of National Camp, Patriotic Order Sons of America, in behalf of strictest economy by all branches of the Government and demobilization of national troops detained in camps; to the Committee on Military Affairs.

146. Also, petition of National Camp, Patriotic Order Sons of America, regarding Mexican situation; to the Committee on Foreign Affairs.

147. By Mr. ESCH: Petition of National Camp, Patriotic Order Sons of America, regarding Mexican situation; to the Committee on Foreign Affairs.

148. Also, petition of National Camp, Patriotic Order Sons of America, regarding the high cost of living; to the Committee on Military Affairs.

149. Also, petition of Turlock Board of Trade, of Turlock, Calif., regarding Japanese immigration; to the Committee on Immigration and Naturalization.

150. Also, petition of Wisconsin Women's Temperance Union, urging passage of H. R. 8063; to the Committee on Foreign Affairs.

151. Also, petition of sundry citizens of Reedsburg, Wis., commending Congress for rejecting the league of nations; to the Committee on Foreign Affairs.

152. Also, petition of Elroy Lodge, No. 473, Brotherhood of Railway Conductors of America, opposing Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

153. Also, petition of American Public Health Association, regarding Public Health salaries; to the Committee on Interstate and Foreign Commerce.

154. By Mr. FULLER of Illinois: Petition of Paris Lodge, No. 812, Benevolent and Protective Order of Elks, concerning deportation of undesirable aliens; to the Committee on Foreign Affairs.

155. Also, petition of L. C. West, of Chicago, and G. W. Carlson, of Waukegan, Ill., favoring H. R. 4987; to the Committee on Military Affairs.

156. Also, petition of George Washington Brown, president of the Maimed Soldiers' League, favoring greater increase in pensions to maimed soldiers of the Civil War; to the Committee on Invalid Pensions.

157. Also, petition of Farragut Post, No. 25, Nebraska; Morton Post, No. 1, Indiana; General Lander Post, No. 5, Massachusetts, Grand Army of the Republic, all favoring Fuller pension bill; to the Committee on Invalid Pensions.

158. By Mr. HUTCHINSON: Resolution adopted by the National Camp, Patriotic Order Sons of America, urging the employment of the full force of the United States, if necessary, for the protection of American citizens and property from the intolerable outrages being perpetrated by the Mexicans; to the Committee on Foreign Affairs.

159. Also, resolution adopted by the National Camp, Patriotic Order Sons of America, urging the strictest economy in all branches of the Government, the demobilization of all emergency troops, and the revoking of all war powers over business and prices as a remedy for the high cost of living; to the Committee on Interstate and Foreign Commerce.

160. By Mr. LINTHICUM: Petition of Headquarters Post, No. 8, American Legion, of Baltimore, Md., demanding deportation of alien reds; to the Committee on the Judiciary.

161. Also, petition of sundry citizens of Maryland, favoring additional bonus of \$360 to each soldier and sailor who served in the recent war; to the Committee on Military Affairs.

162. Also, petition of R. J. White, of Baltimore, Md., opposing any bill for universal military training; to the Committee on Military Affairs.

163. Also, petition of Baltimore Yearly Meeting of Friends (Orthodox), opposing universal military training; to the Committee on Military Affairs.

164. Also, petition of E. E. Jackson Lumber Co., of Baltimore, Md., regarding railroad legislation; to the Committee on Interstate and Foreign Commerce.

165. Also, petition of James Edgar Potts Post, No. 2, American Legion, favoring immediate deportation of alien reds; to the Committee on the Judiciary.

166. Also, petition of C. W. Braun, of Baltimore, Md., favoring bonus for soldiers; to the Committee on Military Affairs.

167. Also, petition of J. W. Downs, of Baltimore, Md., favoring universal military training; to the Committee on Military Affairs.

168. By Mr. MOORE of Pennsylvania: Petition of National Camp, Patriotic Order Sons of America, urging that steps be taken to reduce the high cost of living; to the Committee on Interstate and Foreign Commerce.

169. Also, petition of National Camp, Patriotic Order Sons of America, regarding Mexican situation; to the Committee on Foreign Affairs.

170. By Mr. MORIN: Petition of the National Camp, Patriotic Order Sons of America, urging, in view of the number of Americans killed, captured, and held for ransom in Mexico, that the Government employ its full force, if necessary, for the protection of the persons and property of American citizens wherever they may be, even though the result be war; to the Committee on Foreign Affairs.

171. Also, petition of the National Camp of the Patriotic Order Sons of America, urging immediate steps be taken for the reduction of the high cost of living and every effort made to restore business and industry to its prewar status; to the Committee on Interstate and Foreign Commerce.

172. By Mr. SCHALL: Petition of American Legion Post, No. 260, of Monticello, Minn., demanding legislation to rid the country of Industrial Workers of the World; to the Committee on the Judiciary.

173. Also, petition of North Branch and Monticello (Minn.) Posts of the American Legion demanding legislation to rid the country of Industrial Workers of the World; to the Committee on the Judiciary.

174. By Mr. SMITH of Idaho: Petition of Commercial Club, of Blackfoot, Idaho, urging completion of the Fort Hall irrigation project; to the Committee on Indian Affairs.

175. Also, petition of American Legion of St. Anthony, Idaho, for legislation providing for homes for soldiers, sailors, and marines; to the Committee on the Public Lands.

176. Also, petition of American Legion of St. Anthony, Idaho, for legislation providing for payment of war-risk insurance in lump sum; to the Committee on Interstate and Foreign Commerce.

177. Also, petition of American Legion of St. Anthony, Idaho, for legislation providing for deportation of disloyal aliens; to the Committee on Immigration and Naturalization.

178. Also, memorial of Brotherhood of Locomotive Engineers, of Glens Ferry, Idaho, opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

179. By Mr. WATSON of Pennsylvania: Petition of National Convention, Patriotic Order Sons of America, relative to the high cost of living; to the Committee on Military Affairs.

180. Also, petition of National Convention, Patriotic Order Sons of America, relative to the Mexican situation; to the Committee on Foreign Affairs.